

**NOMINATIONS OF HON. CAROL W. POPE, HON.  
ERNEST E. DUBESTER, AND PATRICK PIZZELLA**

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**HEARING**

BEFORE THE

COMMITTEE ON  
HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

NOMINATIONS OF HON. CAROL W. POPE, HON. ERNEST W. DUBESTER,  
AND PATRICK PIZZELLA TO BE MEMBERS, FEDERAL LABOR RELA-  
TIONS AUTHORITY

SEPTEMBER 25, 2013

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**NOMINATIONS OF HON. CAROL W. POPE,  
HON. ERNEST W. DUBESTER, AND PATRICK  
PIZZELLA TO BE MEMBERS, FEDERAL LABOR  
RELATIONS AUTHORITY**

**WEDNESDAY, SEPTEMBER 25, 2013**

U.S. SENATE,  
COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 2:35 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Jon Tester, presiding.

Present: Senators Tester, Portman, and Johnson.

**OPENING STATEMENT OF SENATOR TESTER**

Senator TESTER. I will call to order this hearing of the Senate Committee on Homeland Security and Governmental Affairs. There will be at least one other person showing up today but I just want to thank, first of all, thank the nominees for being here.

We convened this afternoon's hearing to consider the nominations of Carol Waller Pope, Ernest DuBester, and Patrick Pizzella to serve as Members of the Federal Labor Relations Authority (FLRA).

Carol Waller Pope, Ernest DuBester, and Patrick Pizzella have all filed responses to a biographical and financial questionnaire, answered prehearing questions submitted by the Committee and have had their financial statements reviewed by the Office of Government Ethics (OGE).

Without objection, this information will be a part of the hearing record with the exception of the financial data which are on file and available for public inspection in the Committee offices.

Carol Waller Pope has over 30 years of experience at the FLRA and is the first and only FLRA career employee to serve as a member. Most recently, Ms. Pope served as the FLRA's Chairman from 2009 through January of this year.

Under her leadership as Chairman, the FLRA eliminated its case backlog, reduced the average age of pending cases by 57 percent and vastly improved employee satisfaction and morale.

Ernie DuBester has 35 years of experience in labor-management relations with nearly 20 years of experience in the Federal sector. He has worked as a public servant, advocate, mediator, arbitrator, and academic. Mr. DuBester currently serves as the Chairman of the FLRA and has been a member since 2009.

Patrick Pizzella has 21 years of experience in the Executive Branch and has held positions in management and administration at six different agencies including the Department of Labor (DOL), Office of Personnel Management (OPM), and the General Services Administration (GSA). Most recently, Mr. Pizzella served as the Assistant Secretary of Labor from 2001 to 2009. Additionally, Mr. Pizzella was an original member of the Chief Human Capital Officers (CHCO) Council.

I want to thank Ms. Pope, Mr. DuBester, and Mr. Pizzella for joining us here today.

When Senator Portman gets here, we will allow him to do his opening statement but I think I will just proceed with the oath.

Our Committee rules require all witnesses at nomination hearings to give their testimony under oath. Will the three nominees please stand, raise their right hands.

Do you swear that the testimony you are about to give to this Committee will be the truth, the whole truth, and nothing but the truth so help you, God?

Ms. POPE. I do.

Mr. DUBESTER. I do.

Mr. PIZZELLA. I do.

Senator TESTER. Let the record reflect that the witnesses answered in the affirmative.

We are going to go with your testimony. Each of you have 5 minutes for your oral testimonies. Your complete written testimony will be made a part of the record.

Ms. Pope, we will have you get started but first we have the honor to have Congresswoman Norton here today and so I will turn the floor over to you, Congresswoman.

**TESTIMONY OF THE HONORABLE ELEANOR HOLMES NORTON,  
A REPRESENTATIVE IN CONGRESS FROM THE DISTRICT OF  
COLUMBIA**

Ms. NORTON. Thank you very much, Senator Tester. I want to say how much we appreciate this hearing. I am here to speak, of course, for Carol Waller Pope and my appreciation for the hearing comes from a fairly unusual circumstance.

Although I think it has been clear to the Administration that Ms. Pope was to be appointed, this career employee, for technical reasons, actually retired after 34 years of service because her holdover period expired and has to come back to Federal service.

We are particularly proud of Ms. Pope for what she has done in the agency and I am going to dispense with the usual credentials that one offers when you are presenting a nominee for the first time. I mean this is a nominee with a record, appointed by two Presidents for membership on the Authority, then as chair and now as chair.

She has been reappointed as chair it seems to me for reasons that the President could not ignore. She has taken an agency that had real management difficulties and turned it around. You mentioned one of the indications.

But here is an agency that Ms. Pope found in last place among small agencies in 2009 among best places to work in the Federal

Government. Then by 2010 she had already brought it up to 20th from 38th and an award for the most improved small agency.

Now, it has risen to 7th best and it ranks in the top five small agencies in teamwork and effective leadership.

Mr. Chairman, I think that summarizes why the President has nominated Ms. Pope; and if I may say so, Mr. Chairman, I think it is a good reason for this Committee to offer her to the Senate floor.

Thank you very much.

Senator TESTER. Well, thank you, Eleanor, for your very kind remarks and I would agree with your testimony.

Before we get you, Carol, I would ask as we hear from Ranking Member Portman and Senator Johnson if he has any opening comments.

#### **OPENING STATEMENT OF SENATOR PORTMAN**

Senator PORTMAN. Thank you, Mr. Chairman. I appreciate you holding the hearing; and to Congresswoman Holmes Norton, good to have you over here on our side of the Capitol; and that is meaningful that you would come all the way over here on behalf of Ms. Pope.

I am looking forward to the nominees telling us a little more about their background and also what they would like to do at the FLRA. I have been on the other side of that table as a nominee a couple of times. I know it is always interesting in the confirmation process.

But in this particular case, this comes at a very critical time obviously for the Federal Labor Relations Authority because it lacks a quorum and is unable to do its work which is to adjudicate disputes arising under the Civil Service Reform Act (CSRA) and to decide cases concerning the negotiability of collective bargaining agreement or proposals, also to hear appeals concerning unfair labor practices and representation petitions and all important work.

I am told that over the course of nearly 9 months the authority has lacked a quorum, it has developed a backlog of well over 100 cases that have yet to be considered and decided.

So, are you sure you want to do this? Because if you are confirmed, one of your most pressing priorities, obviously, is going to be to address that backlog and do it in an efficient and timely manner but also with high quality decisions.

It also is going to be essential to attend to some of the other statutory responsibilities, to establish policies and guidance regarding labor-management relations of the nearly 1.6 million non-postal Federal employees. So, it is a big job. I am glad the Administration and Congress are now taking the necessary steps to provide the quorum and to get FLRA back to work.

Even with a full complement of members, as Eleanor has just noted, there have been some challenges. We are all aware the authority came in dead last on the Partnership for Public Services best places to work in the Federal Government surveys in 2005, 2007, and 2009.

I am pleased to note that the FLRA has made significant strides in terms of its internal management. It now ranks, as I understand

it, 8 out of 29 small agencies for employee satisfaction. But I am sure we can all agree that there is a lot more to be done to be sure the agency works efficiently and it is a good place to work so you can attract the best and that we can be sure that we are helping foster lawful and productive relations between government managers and Federal employees.

So, thank you, Mr. Chairman, for allowing me to speak briefly. I look forward to the testimony from the nominees.

Senator TESTER. Thank you, Senator Portman, we appreciate your statement.

Eleanor, thank you for coming over. We appreciate your glowing remarks of Ms. Pope also.

And, you can proceed, Ms. Pope.

**TESTIMONY OF THE HONORABLE CAROL W. POPE<sup>1</sup> TO BE A MEMBER, FEDERAL LABOR RELATIONS AUTHORITY**

Ms. POPE. Thank you. Good afternoon. I want to thank the Committee and in particular Senators Tester, Portman, and Johnson for conducting this hearing. I also want to thank the Committee staff for their work and meaningful assistance, and finally I want to thank Congresswoman Norton for being here today as she has been on two prior occasions that I appeared before this Committee.

I admire her illustrious career in the law, civil rights, human rights, and public service as the first female Chairman of the Equal Employment Opportunity Commission (EEOC) appointed by President Carter in 1977.

While she found her place as an elected representative, I found mine as a member and Chairman of the Federal Labor Relations Authority. I am honored today and delighted to have been nominated by President Obama to serve for a third term as member and again serve as Chairman of the FLRA upon confirmation.

As you have noted, I have worked for the last 33 of my 34 years of public service at the FLRA; and I would be remiss if I did not—because the FLRA has been a home for me for so long—acknowledge all of the FLRA staff here in attendance. It is a testament to their interest in the mission of the agency and the process that engages and confirms their leaders.

In particular, I want to acknowledge General Counsel Julia Clark, who was appointed by President Obama and confirmed by the Senate in 2009; and I appreciate her being here today.

I also want to acknowledge my family, my sister, Linda White, who is representing all of my family, from Philadelphia. I am a Pittsburgher but she is from Philadelphia. And, my fiancé, Fred Grigsby, Jr., who is here from St. Maarten.

As I said, the mission of the FLRA is an important one. We have been described as a small but mighty agency because of the breath of our jurisdiction, 1.9 million non-postal employees.

We do a number of things primarily through our regional offices, training, investigations, prosecution of the statute, the Federal Service Labor-Management Relations Statute; and one of the mission matters that we take seriously is alternative dispute resolution to try to resolve disputes without costly litigation.

<sup>1</sup> The prepared statement of Ms. Pope appears in the Appendix on page 26.



We do that through a lot of effort that is put into education and training. It is our belief that if the parties understand their statutory rights and obligations, needless litigation will not occur. And so, we do a lot of work regarding education and training of the statute.

When I last appeared before this Committee on September 11, 2008, the FLRA was plagued with poor mission performance, hundreds of unresolved cases, and a dispirited workforce noted primarily for low morale. It was not a fun place to be because we got notoriety for being the last in the Federal employee viewpoint surveys.

Upon becoming Chairman in February 2009, I instituted an internal and external campaign known as the 3Rs—revitalization, reinvention, and re-engagement. This multi-pronged, multi-year initiative was geared toward revitalizing mission performance as the No. 1 goal and customer service, reinventing work processes and service delivery models and re-engaging our customers to better meet their needs for training and timely and quality dispute resolution.

While the 3Rs initiative helped focus our actions and our resources, the FLRA's success over the last 4 years would not have been realized without the hard work of all of its employees, including those that are mostly unseen and often underappreciated.

Our case intake and publications, human resources, administration, and budget offices—all FLRA employees here in Washington and Atlanta and Boston and Chicago, and Dallas, Denver, and San Francisco—are the agency's greatest assets. Together we were successful in eliminating the backlog of cases, revising regulations, and renewing a commitment to training, education, and alternative dispute resolution.

I would like to share one other perspective with you. Given the fact at the end of my holdover period in January 2013, the FLRA was a relatively young agency, 34 years old, and the fact that I joined in the agency as a relatively young attorney—age omitted from this presentation—I had then served the agency in increasingly responsible positions during 97 percent of its history.

So, my careers spans 97 percent of the history of the agency. Therefore, I own a unique perspective of both the good and the not-so-good of our history and there has been dramatic improvement.

The employees of the FLRA achieved these remarkable results but as Chairman I worked together with all of the Presidential appointees to provide the leadership and the resources for them to unleash their collective energy, skills, and talents.

Going forward, if confirmed, no matter what the challenge is, internal or external, financial, technological, or perhaps skill-based, as Chairman I will again work with my Presidentially appointed colleagues and employees to implement a shared vision that prioritizes our resources in order to deliver even better customer service.

I am honored to appear today with my fellow member nominees, Ernest DuBester and Patrick Pizzella. Chairman DuBester deserves praise for his management of the agency and the Authority for the last 8 months. Without a quorum of members issuance of decisions in pending cases before the Authority, approximately a

third of which are now exceeding our internal time targets for issuance of a decision, have been stalled.

Upon conformation, I am eager to join Member DuBester and to welcome nominee Pizzella to the FLRA family and get busy resolving this backlog of cases.

The FLRA must also continue to recruit, train, and retain a diverse workforce. With the looming possibility of governmentwide reorganizations and larger budget reductions, the FLRA must continually revise and enhance its work processes to ensure that workplace disputes are resolved in a manner that promotes effective and efficient government.

In closing, with respect to the FLRA's statutory mission and the role and responsibilities of the position to which I have been nominated, I would like to quote President Teddy Roosevelt who once stated, "far and away the best prize that life offers is the chance to work hard at work worth doing."

I welcome any questions that you may have.

Senator TESTER. Thank you for your statement, Ms. Pope.

Mr. DuBester, it is your turn.

**TESTIMONY OF THE HONORABLE ERNEST W. DUBESTER<sup>1</sup> TO  
BE A MEMBER, FEDERAL LABOR RELATIONS AUTHORITY**

Mr. DUBESTER. Thank you, Mr. Chairman, Senator Portman, Senator Johnson. I greatly appreciate the opportunity to come before this Committee again for its consideration of my nomination. I also would like to thank the Committee's staff for their work and assistance in reviewing my nomination and scheduling this hearing.

Before making a brief opening statement, I would also like to introduce my wife, Karen Kremer, who is here. This is the year of our 25th anniversary. When I first met Karen, she was working for Senator Howell Heflin on the Senate Judiciary Committee. So, this body will always have a special meaning for me in my personal life.

It is also a great pleasure to appear alongside my friend and colleague, Carol Waller Pope and my new friend and hopefully soon to be colleague, Pat Pizzella.

I also want to recognize the presence here this afternoon, in addition to our general counsel, Julie Clark, of quite a few people here from the FLRA. As Carol suggested, these dedicated public servants, as well as many FLRA staff who are not present, are the key to the FLRA's many accomplishments of the last 4 years.

It is an honor to appear before this Committee after being nominated again by President Obama. As you noted, I have served as a member of the FLRA for the last 4 years and have been privileged to serve as its Chairman since January.

When I last appeared before this Committee, then-Senator Akaka noted that big changes were needed because for far too long the FLRA had failed to carry out its mission.

With a serious backlog of cases existing then and low employee morale that has been referred to by Carol and Representative Norton, and I think by you, Mr. Chairman, I would say too that, indeed, big changes have occurred.

<sup>1</sup> The prepared statement of Mr. DuBester appears in the Appendix on page 54.

The last 4 years reflect many accomplishments at the FLRA based on an energetic period, as Carol put it, of the 3Rs—revitalization, reinvention, and re-engagement.

At the end of the last calendar year, not only had we completely eliminated our case backlog but we had eliminated all over-age cases. In addition, exercising our statutory responsibility to provide leadership in labor-management relations, we delivered a variety of training sessions to thousands of labor and management representatives in the Federal sector community; and with the agency focused on human capital initiatives such as training and development, performance management, and work life balance, as has already been suggested, employee morale I believe has improved dramatically.

And, for the last 2 years, we have ranked in the top 10 and we have received No. 3 rankings in the specific categories of teamwork and effective leadership. So, I know that is gratifying to many and certainly to Carol and myself.

So, Mr. Chairman, in my nearly 40 years of experience in labor-management relations, working as you noted in a variety of capacities with more than a majority of my professional life now in the Federal sector, I remain strongly committed to the FLRA's mission and to the importance of stable, constructive labor-management relations in the Federal sector.

If reconfirmed, I will continue to work tirelessly so the FLRA is recognized as one of the stellar agencies in the Federal Government. And again, I appreciate the opportunity to be with you today and I would also be pleased to answer any questions that you have.

Senator TESTER. Thank you, Mr. DuBester. Mr. Pizzella.

**TESTIMONY OF PATRICK PIZZELLA<sup>1</sup> TO BE A MEMBER,  
FEDERAL LABOR RELATIONS AUTHORITY**

Mr. PIZZELLA. Thank you, Mr. Chairman.

Before I begin I would like to recognize my wife, Mary Joy, who previously served at the Department of Energy (DOE), the State Department, and the General Services Administration. So there is no shortage of Federal service in our family.

Chairman Tester, Senator Portman, and Senator Johnson, and other Members of the Committee, I want to thank you and your staff for all the courtesies you may have shown me as I prepared for this hearing.

Given the seriousness of the issues that surround you on the eve of the new fiscal year, I am especially appreciative of the time that you are taking to ensure that the Federal Labor Relations Authority operates at full strength.

This is the third time I have had the privilege of being nominated by a President for a position of public trust. I am honored the President nominated me to be a member of the Federal Labor Relations Authority; and if confirmed, I will dedicate myself to discharging of the responsibilities of the FLRA in accordance with laws, rules, and regulations.

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<sup>1</sup> The prepared statement of Mr. Pizzella appears in the Appendix on page 79.

I began my tenure in Federal service in the early 1980s, and I believe my 21 years of experience in the Executive Branch will be an asset to the FLRA.

I will be happy to answer any questions you may have.

Senator TESTER. Thank you, Mr. Pizzella.

I appreciate all of your testimonies. We are going to start with standard questions that we ask all nominees.

Is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Ms. POPE. No.

Mr. DUBESTER. No.

Mr. PIZZELLA. No.

Senator TESTER. Do you know of anything personal or otherwise that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Ms. POPE. No.

Mr. DUBESTER. No.

Mr. PIZZELLA. No.

Senator TESTER. Do you agree with our reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Ms. POPE. Yes.

Mr. DUBESTER. Yes.

Mr. PIZZELLA. Yes, sir.

Senator TESTER. I want to thank you. And, would the clerk to put 7 minutes on the clock, and we will have as many rounds as necessary.

I am going to start with you, Ms. Pope. I am pleased we are able to hold this hearing today for all of you and I hope to get you all moving through the pipeline very quickly. As you all know too well, this lack of quorum on the authority has really prevented many cases from coming to an ultimate decision, and we owe Federal employees, we owe them to have a fully functioning FLRA.

So with that as a background, Ms. Pope, what is the biggest issue facing the FLRA today?

Ms. POPE. I would say for the authority side of the house it is our backlog of cases.

Senator TESTER. Uh-huh.

Ms. POPE. It was tremendous that we worked together pursuant to a corrective action plan that was approved by the Office of Management and Budget (OMB) to erase our backlog before; and I certainly want to make that our priority because it was demoralizing to our employees that we had a case backlog and that we were not performing our mission effectively and efficiently; and I know we can do it again because we have done it before.

We certainly have fewer cases now than we did before. In addition to issuing case, decisions that are currently backlogged, one of the important issues for the FLRA is to continue to maintain a staff that is nimble and trained because we do know that, as there are issues in government with regard to organizations, furloughs, closures that we see an increase in cases; and those are the most important cases for us to be able to address in a timely manner.

So, to eradicate our backlog, positions us to be able to handle the inventory as it comes in a timely way. Our internal time targets are 180 days; and when we were successful in erasing our backlog, we had reduced our average age to 50 days and we can do it again.

Senator TESTER. I would assume that the lack of quorum has contributed to that backlog and maybe contributed to the fact that the staff is not as nimble, I do not want to put words in anybody's mouth, but does not have the flexibility that you want. A fair statement, if you agree that is fine. Are there other things that the lack of quorum has done to impact the FLRA's ability?

Ms. POPE. I know that some of the senior leadership positions, particularly those reporting to a Member, staff attorneys on a Member's staff, out of respect for the Members opportunity to select their senior staff, in some regard those positions have been kept open.

I also believe that from my experience as chairman, I benefited from having a full complement of Presidential appointees to collaborate with on administrative matters, on budget matters. And so, it is important to the overall administration of the agency that we have a quorum of all Presidential appointees, particularly Members.

Senator TESTER. I would agree.

Mr. DuBester, I will ask you a question here. After spending a career working in various capacities which you have referenced and so did I, including the National Labor Relations Board, the National Mediations Board, and the FLRA, what experiences have you found most helpful to your role as a member on the FLRA?

Mr. DUBESTER. Well, there are so many of them; but if I had to single one out that I think has the broadest and deepest rippling effects, it would be serving for many years as a mediator and also acquiring, related to that, the special skills as a teacher and a trainer in the art of collaborative problem-solving.

And, I think we have put an emphasis for the last 4 years and will continue to do so to complement what I would call our traditionally regarded mission, if you will, with working with the agency and union reps that we serve to get them to think of us in non-traditional ways and to consider using our collaborative alternative dispute resolution skills, because by doing so we accomplish a lot.

We certainly help parties with their relationships but it is more than just about the personal human side of the relationship. We help them to solve a lot of their disagreements internally on their own without getting involved in protracted litigation proceedings, if you will, which are very costly.

So, we help them to conserve some of their scarce resources at a time when everyone feels the need to do more with less.

And so, we also have integrated the Alternative Dispute Resolution (ADR) into our own culture internally. Virtually every office, and certainly every component, starting with our impasse panel, which by definition is an alternative dispute resolution operation, our office of General Counsel, and even within the authority side we have an Office of Alternative Dispute Resolution and we work with the parties even involving some of the cases that we have jurisdiction over.

For example, with negotiability decisions we will put our alternative dispute resolution office staff in contact with the parties before we engage in formal decisionmaking, and often we are able to help them in a negotiability dispute either to resolve the case completely, to narrow the disagreements over a number of proposals or at least to narrow their differences within proposals.

And, I think that all, of this has a valuable effect not just for our mission performance but, if you will, throughout the Federal Government, because that is another piece about our mission that I think is sometimes overlooked.

And, if I could just add to the answer to the question that you asked previously about the greatest problem facing the FLRA, it is making sure that we have the adequate resources to perform our mission; and again why I think that is so important is it is not just about what I would call the seeming self-interest of the FLRA per se but we have responsibilities throughout the Federal Government to help provide for stable, constructive labor-management relations.

And if we are unable to do that, then there are consequences throughout the Federal Government. People at agencies with disputes are less able to perform their mission because they are either distracted by the costs of litigation or the time necessary to deal with those disputes.

So, I think that is an important recognition about the importance of our work too.

Senator TESTER. I appreciate your answer and I appreciate you delving into other areas too.

Mr. Pizzella, I was going to get to you but my time is about out. We are going to have another round so the next time around we will do it. Senator Portman.

Senator PORTMAN. Thank you, Mr. Chairman.

We talked earlier about this backlog and the Chairman just asked some questions about it. I was interested, Mr. DuBester, in your focus on adjudicating disputes, as you say in your testimony, fairly, impartially, and expeditiously; and you mentioned in your response to the question of collaborative dispute resolution.

I know through your career you have emphasized the importance of ADR in addressing conflicts that might otherwise go to litigation. Can you talk just a little about what hurdles remain, what role can it play in reducing the backlog at FLRA and what hurdles there are to having that happen. What, might be done to expand its use, for instance, more training to labor and management representatives to try to reduce frivolous filings and facilitate avenues for those parties to resolve disagreements even on their own? Is that part of what you would recommend or not?

And then if I might, Ms. Pope, you talked a little about what you did last time, which I think resulted in an 87 percent reduction in case inventory. You said it was an even larger inventory backlog.

What did you learn and what is your view on ADR? And do you share the perspective Mr. DuBester talked about earlier?

So, starting with you, Mr. DuBester.

Mr. DUBESTER. Thank you, Senator. Well, first on the current backlog, again just to provide context, as we recognized, the first phase I would say is to go back to 2009. We were facing a backlog then of approximately 450 cases within the authority component;

and I think, as Carol mentioned in her opening statement, a critical action plan had been put into effect to deal with that; and as I mentioned in my statement, by the end of last calendar year not only had we eliminated that backlog but we had completely eliminated any over-age cases.

So, the backlog that you are referring to now, of course, is the one created by the absence of a quorum this year. Any over-age case in my mind is a serious matter even if it is one.

We have a number of cases now that have started to constitute a backlog. It is less than 100 in my opinion. I think you should know, though, we have been operating—but for the very serious matter of not being able to issue decisions absent a quorum—we have been operating in all other respects in a normal fashion; and within the authority component, that means within our three respective staffs, they have been considering cases, moving them along, moving them to me for consideration.

And, every time I get a case on my desk, I vote on it, the point being that hopefully there is an efficiency in that so that with Carol and Pat, hopefully to be confirmed by the Senate, their work will be reduced or the authority's work will be reduced because it will have progressed to the next stage.

With respect to training, again two things about that. Training is very much an important part of what Carol and I have referred to as one of the 3Rs which is re-engagement although part of the training also involves our own people and our own staff.

But with respect to training and what I would call the collaborative problem-solving kind of skills, we have done that in a variety of ways. We have done that just from our own ADR office based on contacts and communications we have directly with management reps and union reps in the Federal sector.

We have also done that in concert with the National Council on Labor-Management Forums, which were created by the President's Executive Order (EO) to create those and the idea of creating, as a complement to collective bargaining if you will, more effective and efficient government operations hopefully doing so in a way that provides for a more cooperative and collaborative relationship.

So, a lot of training has been done as part of that initiative, and I think it is a very important part of our outreach, and we have done some of that on our own, as I said, and we have done some of that in concert with our sister agency the Federal Mediation and Conciliation Service.

And, we have a lot of anecdotal but real stories within various agencies where their relationships have improved dramatically even in the last 4 years which creates for a more effective and efficient day-to-day operation of their missions.

So, yes, that remains a very important part—

Senator PORTMAN. Let me just interject just for a second because I want to get to Ms. Pope and get to Mr. Pizzella. But do you have any hurdles right now to getting more ADR in place to doing the training, to try to avoid some of these frivolous lawsuits, to doing more administratively? What are the challenges you face?

And then getting to Ms. Pope, are you supportive of this way to get more efficiency through ADR and administrative avenues rather than full adjudication where appropriate?

Mr. DUBESTER. Sure. Very quickly, two parts. I would say, as I mentioned, I think if there is a hurdle for us, it is making sure that we have adequate resources and that includes budgetary resources that we can continue to do, if you will, the outreach and external communications that we have done, and we are hopeful that we can continue to do that.

The barriers we have are the barriers you have with any relationship. Again, we have participated with the National Council on Labor-Management Forums. Part of that Council has a problem resolution committee. Our General Counsel who has been introduced here, Julia Clark, has been kind of heading that along with a large group of management and union representatives.

And, the barriers that you have, well, we have a lot of improvements in relationships and a lot of stories to show that. But we still have difficulties with issues of trust or communication which are key to any relationship, not just labor-management relations.

But it takes time. It takes work making parties aware of the services that we have to provide training and working with them is a valued task but it takes work and we are prepared to continue that work.

Senator PORTMAN. Thank you. Ms. Pope.

Ms. POPE. I want to speak first to the backlog of cases and we have the experience of reducing and eliminating the backlog. Before, by way of contrast, there were 300 backlogged cases and we have a little over 100, 140 or so now.

Part of the tools and processes that we implemented to address that will help serve us well with regard to the current backlog. So, we are ahead of the game, so to speak, with regard to revisions in our regulations that we implemented over the last 4 years that encourage, in the arbitration area, expedited decisions, also opportunities throughout for ADR.

We have had the successful experience of using ADR in our negotiability cases and success in that area is not just resolving the entire case. In the negotiability area where the parties are bogged down in their contract negotiations, and sometimes it is a sad story to tell but in the Federal sector, negotiations for a collective bargaining agreement can go on for years.

And, they come to us with a case where there are 30, 40 proposals where there are issues as to whether the parties have to negotiate at all, not whether they should agree but whether it is negotiable. And, we have been successful in implementing ADR and aggressive in going to the parties.

I am wholeheartedly supportive of ADR. But one of the hurdles is it is voluntary, and we have been successful in employing a team of not just our ADR experts from our collaborative alternative dispute resolution office but teaming them with attorneys from each of the members' staff who, dividing the proposals, the pending proposals in a case and each member office does research on a third of the pending proposals to work with the ADR official to provide the legal background and context to help the parties understand and agree during the ADR process where there is case precedent that their proposal has already been deemed negotiable or non-negotiable.



That has really been a great team effort and that is the kind of work——

Senator PORTMAN. It helps expedite the process.

Ms. POPE. Exactly.

Senator PORTMAN. My time has expired. Mr. Pizzella, this means that Mr. Johnson is going to be really tough on you because you avoided both of us.

But just to put emphasis on one point you made which was you changed the administrative rules regarding arbitration to have them work more flexibly, as I understand it, and speaking as one member and I think I probably speak for the other members, this is something we would want to be able to encourage you to do but also to assist you if there are any legislative hurdles or anything else we can do from our point of view.

And, thank you Mr. Chairman.

Ms. POPE. Thank you.

Senator TESTER. Thank you, Senator Portman. Senator Johnson.

#### OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman.

Mr. Pizzella, you can breathe a sigh of relief here.

Mr. DuBester, I believe I heard Ms. Pope say that the backlog is a hundred, maybe 140. Is it as high as 114? What is the backlog right now?

Mr. DUBESTER. I am not exactly sure. It depends on how you count but 140 might be just cases that are in our inventory.

Senator JOHNSON. OK.

Mr. DUBESTER. I would not consider all of those cases to be part of the backlog because they have not processed through in terms of our time lines, if you will, that make them even approaching over-age yet.

So, I think the number is less than that but I think 140 is what is in our inventory but those cases still are not what I would call in the problem or danger zone.

Senator JOHNSON. You mentioned as you have been the only member you still have been basically working the process of reviewing these cases and voting on them. How many are really in a state that is going to be ready when the authority is completed or you have a full membership can very quickly be adjudicated or settled?

Mr. DUBESTER. Well, of course, part of that depends upon how quickly this body confirms my colleagues up here.

Senator JOHNSON. I understand.

Mr. DUBESTER. But right now I would say the number is approaching 50 and quite frankly I have a few cases on my desk to vote on so I am hoping it could be certainly in the 60–65 range.

Senator JOHNSON. So, almost half could be really settled quite quickly, dispose of, and then you have a pretty reasonable backlog then.

Mr. DUBESTER. I believe that is a fair characterization. Yes.

Senator JOHNSON. I would kind of like to understand the process. I am new to really understanding what the FLRA is. So, can you talk about the priority of reviewing these cases? Is it just a first-

come-first-served basis? Are there particular issues that potentially rank a little higher in terms of your review, Ms. Pope.

Ms. POPE. One of the things that we did when we had a backlog of 300 cases was to not just address it as first-in first-out, because as we attack the backlog, newer cases also became over-aged if we just work on over-aged cases.

So, the process is such that when an appeal is filed with the Authority, it is assigned in rotation to one of the three members. Each of the three members has a legal staff that reviews the case, develops the legal issues, the research, and makes recommendations for their members vote and circulates that written information to all of the members for their votes.

Sometimes cases are easily resolved; and when we were addressing a backlog, we tried to, in essence, look at the whole body of cases and not just wait until they came to a member but to assign a group of staff to look over all.

Can we group cases with regard to legal issues? Can some, notwithstanding the fact that they are younger, go out so we can clear the decks for older cases?

We really triaged cases and will continue to do so hopefully if I am confirmed, because it is important to look at the issues and not just the date it was filed.

Senator JOHNSON. Obviously, working together as colleagues on the Authority, do you know each other pretty well? I would think, Ms. Pope, Mr. DuBester, each other pretty well.

Ms. POPE. Over the course of the last 4 years we have gotten to know each other very well.

Senator JOHNSON. What about Mr. Pizzella?

Mr. PIZZELLA. I just met them in the last month.

Senator JOHNSON. Brand-new. Could you just tell me what areas all three of you will basically agree on? Are there any areas where you may be in greater disagreement on? Let me start with Mr. Pizzella.

Mr. PIZZELLA. Thank you, Senator.

I certainly think the obvious thing which is to address the backlog. As long as there is a backlog, sort of an overhang on the Authority's work, there will be continual questions from the customer community, from Members of Congress, as to why things are not being addressed.

So, that would certainly be my immediate focus; and unlike my two potential colleagues here, they have had some years of experience at reviewing cases; and Ernie himself has had, I guess, 8 or 9 months here where he has had the cases to himself.

So, I am probably going to have to take a little time to get up to speed but I intend to make that the focus of my job there.

Senator JOHNSON. Do you anticipate any philosophical differences? Are we going to see a lot of 2-1 decisions or is it going to be a lot of 3-0 decisions?

Mr. PIZZELLA. If I can convince them to come with me, there will be a lot of 3-0 decisions. [Laughter.]

But I do not really have a general answer to that. I will exercise my authorities and give my opinion, which is the charge I would have if being confirmed, and understanding that I can count and

sometimes it will be 2-1 one way and sometimes it will be 3-0 but I will have to live with whatever the decisions are.

Mr. DUBESTER. But for context if I could just say this, in the 4-years or little less than 4 years that I served to the end of the last calendar year when we had a quorum, I think I participated in something like 700 decisions. And while I do not have the precise math, and while recognizing that we are all individuals and certainly that would apply to Pat, Pat is an individual, but I would say with the prior full complement of members that we had, we probably agreed on somewhere between 80 and 85 percent of the decisions that we issued. They were unanimous 3-0.

I have talked to Pat enough to know that we root for the same sports teams. We have a lot of other things in common. I am confident that percentage is not going to change dramatically and I predict that is probably what it would be. So, the overwhelming majority would be unanimous decisions but there will be some 2-1 decisions.

Senator JOHNSON. Is that because there is a fair amount of clarity in the law or is it because there is really a meeting of the minds in terms of the philosophy of the decisionmaking, Ms. Pope?

Ms. POPE. I certainly have been guided by the 67 volumes of case law that have been developed by the Authority over the 34 years of implementing the statute; and if you start with the case law and applying the facts, then that is where there may or may not be a point of demarcation but there is a lot of clarity in the law after 34 years.

There are newer issues, legal issues that are unprecedented and that is where we look to private sector law and also develop newer case law for the Authority.

So, it is not so much my philosophical bias, if you will, it is the case law that guides the decisionmaking.

Senator JOHNSON. I am glad to hear that. Thank you.

Thank you, Mr. Chairman.

Senator TESTER. Thank you, Senator. I very much appreciate the questions.

Mr. Pizzella, you spent a number of years at the Department of Labor as Assistant Secretary. Can you relate how those experiences at Labor may help you as a member of this Committee of the FLRA?

Mr. PIZZELLA. In a couple of fashions. So to speak, I was a customer of the FLRA from time to time because some of the disputes at the department if we could not resolve them at the department, they might work their way to the FLRA.

The objective of an Assistant Secretary was always trying to solve any issues whether it is EEOC or labor-management ones in the department and address them early before they fester and then work their way up the food chain and then they need to leave the department to be decided by a body like the FLRA.

In my time at the department, one of the things that I was engaged in was the three collective bargaining agreements that the department entered into with its employees; and I learned a great deal from that. I was administering those as an Assistant Secretary. I was not in all the negotiations but I was in constant con-

tact with certainly the management team and I met with the labor team also.

So, I had a little bit of a first hand experience from that side of the equation as to what really goes on in some of these disputes and negotiations; and I think that may help me have a little understanding of when an appeal comes to the FLRA as to what might have went on before it got there.

Senator TESTER. I appreciate that. This is a question for all three of you. It deals with transparency. I want to know: Is it an essential part of leadership? If it is, how does transparency play within the FLRA?

Ms. POPE. I think transparency is an essential part of leadership and we cannot be effective as the leaders of the agency without transparency.

For us during the years that I was Chairman, we basically invited all of the career leadership in to collaborate on policy matters, pay and performance matters as well as representatives of the employees.

We instituted new ways to communicate and we published our budget in a newly implemented weekly electronic newsletter that went out nationwide. We improved technology so that employees could also communicate with us.

We set up an internal Web site for employees to ask questions anonymously. We also had a Web site where they could post questions. Transparency was also achieved through the first-ever town hall meeting where we met with employees and told them everything they wanted to know and we were responsive to questions that they posted on the message board anonymously.

So, we have employed a number of tools. One of the things I learned is to be transparent you cannot communicate enough and also you have to listen.

Senator TESTER. Mr. DuBester.

Mr. DUBESTER. Well, I agree completely. Again as people who know me in any hat I am wearing, the key to successful labor-management relations whether you are a leader or not is communication; and a big part of communication is sharing information and that applies to the business internally within the agency of trying to share with managers as well as employees through whatever mechanism, what is going on, what the problems are, what your tough decisions are, and where you are going.

But it is a two-way street. I mean, the other part of transparency is being open to receiving information from those groups as well. And, I think if they feel like you are transparent one-way, you are going to be receiving the input of your employees whether they are managers or employees. So that is important.

For our stakeholders externally, it is very important and it is a big part of what the business is all about as a leader, as a mediator, to respect the rights of labor and management reps to choose and decide what information they want to share with the other side. I always encourage them to share information. To me that is the key to a successful relationship.

That does not mean soliciting agreement, and people always get confused about the difference between what I would call an envi-

ronment that fosters transparency and the sharing of information as opposed to sometimes you just cannot agree but that is OK.

Senator TESTER. That is right. Mr. Pizzella.

Mr. PIZZELLA. I am a strong believer in transparency; but in addition to our stakeholders, sometimes I know this from my experience in the Department of Labor and elsewhere, when agencies tend to talk about their stakeholders, sometimes they omit the biggest stakeholder of all which is the taxpayer.

So, I would like to see us bring some transparency to there to make sure taxpayers are aware of what we are doing. It is very easy to be confined here inside the Beltway, especially with the Authority which jurisdiction is Federal employees and Federal agencies, but there is a taxpayer involvement.

Senator TESTER. Thank you.

Mr. Pizzella, you are an original member of the CHCO Council?

Mr. PIZZELLA. Yes, sir.

Senator TESTER. What did you learn about the similarities and differences facing Federal agencies in the realm of labor relations?

Mr. PIZZELLA. I learned that some have absolutely no interest or problem or concern. They are usually the smaller agencies.

Senator TESTER. Yes.

Mr. PIZZELLA. And then, I learned that most of the agencies that I thought were complaining about the labor relations were ones who sort of avoided making, what I thought would be considered tough decisions. They did not want to spend a lot of time on labor relations.

Their agencies had missions and directions from the Secretary or Administrator of an agency and sometimes labor relations would take a backseat, often it would take a backseat.

The only time they would really get raised up the flagpole is when it impacts a decision that is trying to be implemented. So, outreach to agencies to make them understand the importance of resolving issues perhaps before they get too far down the pipeline I think would help agencies rather than have them frustrated.

Senator TESTER. Thank you. Senator Portman.

Senator PORTMAN. Thank you, Mr. Chairman.

Mr. Pizzella, you got short shrift earlier but you got more air time recently. Just focusing on what you said a moment ago which is one of your stakeholders is the taxpayer and that leads me to question about your budget because, even though you are a small agency, in today's budget environment, we looked everywhere, under every rock, for ways to find efficiencies and find ways to save money.

I understand your direct obligations for fiscal year 2013 were almost \$25 million, \$24.9 million and your request for next fiscal year is for \$25.9 million. And, this is directed to all three of you because, Mr. DuBester, particularly you were very involved in that budget I am sure.

So, first of all, I would like to get your insights on the personnel side. I assume that accounts for 80, 85 percent of your budget. A lot of agencies are going through some tough times right now freezing employee numbers, some reducing employees. You have asked for a 4-percent increase in personnel from 2013 to 2014 and you have talked about that today, the need for adequate resources.

This would be about a 15 percent growth in your staffing levels since 2009, as I look at it. So, my question for you, starting with you, Mr. Pizzella, since you talked about the taxpayer. Again, I understand you have not been through the budget process probably, at least you have not been in a position to have to go through it in the way your colleagues have. But do you think that increase is necessary given the budget climate that we are in?

Mr. PIZZELLA. Senator, having served as Assistant Secretary while you were director of OMB I glad to see you have not changed a bit.

Senator PORTMAN. Exactly.

Mr. PIZZELLA. It really would be unfair of me to, I think, comment on the budget simply because having put together budgets before, I do not know what went into the formulation of the budget. Saying this, I am very proud of the time at the Department of Labor where, under Secretary Elaine Chao's leadership we had, for 8 years, we ended up with a smaller discretionary budget in our eighth year than the first year.

And so, I am a bit of a skinflint and I will certainly try to conserve the taxpayer's money as best I can. I would think that OMB probably has a mark as far as the rate of growth that they would allow agencies to pursue, if I remember the process well; and I would hope we live within that mark. I guess I would leave it at that.

Senator PORTMAN. Yes. I was happy to see your background at Labor both because you were on the management side in some of these disputes that you are now going to be working on and so you have had some experience in disputes at least from the management side. But second, Secretary Chao was my favorite Secretary when I was at OMB.

Mr. PIZZELLA. Mine too.

Senator PORTMAN. Not just because she is a great lady but because the meetings were much more conducive to a negotiated settlement. You guys did a really good job of going through your individual departments and trying to figure out how you could find savings, particularly on the administrative side.

So, you kept to your mission but you were able to find savings. Some other Secretaries who will remain unnamed because they are still very active in town and in politics, who were not quite as easy because they would come in at 10 or 20 percent above and we would have to spend a lot of time whittling it down.

And frankly, you are in a better position to know where you can find those savings than OMB. So, my question I guess is at a time when we are looking at another year of flat domestic spending and you guys, and again, Mr. DuBester and Ms. Pope, are asking for an increase, is it absolutely necessary—is this something that you have spent time figuring out how you could avoid and just what are your thoughts on the budget?

Mr. DUBESTER. Let me make three points, if I can.

The first thing I want to say is the interest of the taxpayer, if you will, and not only because of the realities of the current environment we are in but at any moment in time I think our statutory directive to help produce more efficient, effective government oper-

ations requires us to consider the interest of the taxpayer, if you would.

I would say to you respectfully, and my guess is you probably could check it out, but I think not only hopefully up here on Capitol Hill but within the Office of Management and Budget, I think we have developed a reputation over the last few years of recognizing what it means to do more with less and doing a lot of creative things to accomplish our mission objectives while conserving money and I will just say that as just kind of a foundation question.

The second point I would like to make, though, is just one of context because obviously the last couple of years have created a unique environment. But I think it is fair to say particularly because as you accurately suggested, Senator Portman, the human element, our staffing if you will, is not only the greatest expense but it is also the key to our mission performance.

Only 10 years ago we had a third larger-sized workforce than we have today. I guess the point I am making just for context is that even before we hit the more severe budgetary environment of, say, the last couple of years, we had already downsized by about a third which I think is a meaningful context from recent years. And, that is a position where we lost some key people.

And third, to make it more immediate, during this last year in particular where we have been facing, as everyone in the Federal Government has, the severe challenges of budgetary constraints, we left open a lot of critical positions. I want to say about 13 that we have just started to fill.

And, you asked about barriers and my answer to the question about barriers going forward in terms of achieving what I hope you would agree are a lot of these successes externally with the labor-management community in the Federal sector and my response was, having the adequate resources to continue to perform our mission related responsibilities.

So, we had 13 vacancies in key areas and we only had, I want to say four, maybe even three, additional positions created for the fiscal year 2014 budget. And, I will tell you one of them is within our Office on Collaboration Alternative Dispute Resolution just because of the increased demands on that service.

We are not sure, as I sit here with you today, that we are going to be able to fill that but that is part of the ask that we have that you are referring to which to me is very important and I think again has rippling, positive rippling effects throughout the Federal Government, not just for the FLRA internally.

So, those are some of the tough issues and the choices that we are balancing. That is what I wanted to share.

Senator PORTMAN. My time has expired but if the Chairman will indulge me just 1 second for Ms. Pope on the budget issue, any final comments.

Ms. POPE. Just to add—

Senator PORTMAN. You can just say I agree or disagree.

Ms. POPE. I agree with everything that has been said but I would like to add one or two additional points, and that is, during my tenure as Chairman, we started out in an effort to rebuild the agency and we had been decimated not only from a prior recession, but because we were not managed effectively to use our resources wisely.

But one of the things we did starting out was with the Presidential appointees in the room and representatives of the career employees to say we are not just going to go OMB to ask for the same amount of resources that we had before.

We are going to look at what we can do differently with respect to our work processes and we developed a very good relationship with OMB to negotiate and get their understanding that we needed funds to rebuild, that our requests were not unreasonable because we had been decimated in our staffing. Performance was poor, and we needed additional monies.

With the budget amount that we would receive every year, we would internally look to manage our resources in the most effective way. We have shared staff. We have detailed employees internally because we made a decision that our budget would not support filling all of the positions that were in our budget.

We also look to use technology to better improve our customer delivery without the cost of travel, and we have also shared services other agencies whereas an agency budgeted at the 22, 23, 24 million dollar level of the FLRA, we could not afford to keep up with technology in an environment where 80 percent of our budget is staff driven.

We have partnered with the Veterans Administration, the Department of Defense to use their technology resources to build web-based manuals, webinars hosted by OPM on their dime to also save our resources so we would not impact adversely the delivery of our services.

So, we continued to look for ways to use resources in an effective way and to not just come to the Senate and ask for more money.

Senator PORTMAN. Thank you. I appreciate that response and I look forward to the FLRA having a full complement to be able to do its work and I thank the Chairman for giving me a little extra time here. I wish you all the best of luck.

Mr. DUBESTER. Thank you, Senator.

Senator TESTER. Thank you, Senator Portman.

For the record, for Ms. Pope or Mr. DuBester, what was the peak number of employees that you guys employed? What was the highest member?

Mr. DUBESTER. In history?

Senator TESTER. FLRA, yes. And when was it?

Ms. POPE. I would say almost in 2003 maybe was a peak year. We had about 200 employees if not more.

Senator TESTER. And you have today how many?

Ms. POPE. On board, 114. Well, we are funded at the 123 level. I think there are around 113 or 114.

Senator TESTER. That 110, 113 level does not include the 10 or 13 people that you are looking to fill positions right now.

Mr. DUBESTER. Yes. I think our number is just a little bit higher than that but, no, I think at the end I think it is right. I think at our peak we actually were closer to, as Carol said, a little more than 200, probably about 220.

What we are seeking authorization for in our fiscal year 2014 budget is to get to 134. So, that would be still obviously almost a 45 percent lower full-time equivalent authorization than we had.



Senator TESTER. I understand that. And you have a ton of really good employees obviously and some of them are here in the room today. I guess the question is when you drop that number of employees and assuming you would have had a quorum to work with and your numbers are in good shape, I mean, I think it says a lot about you and it says a lot about the employees that work in the agency.

But the question is really how do you determine that sweet spot, because Senator Portman is right. We are looking under every rock for dollars. Anybody want to answer that? It is not an easy question to answer. How do you determine when enough is enough and you do not need anymore?

Ms. POPE. The staffing levels certainly are part of the equation with regard to how we define timeliness of a case.

Senator TESTER. OK.

Ms. POPE. And what we set our time targets for.

Senator TESTER. So, what are the parameters that you use to determine that.

Ms. POPE. One hundred eighty days for cases before the Authority, certain cases by statute less, 120 days before the Office of the General Counsel, and various time targets in the other components and offices.

Senator TESTER. In the days when you had a quorum, did you meet those standards?

Ms. POPE. We did in the last 2 years.

Senator TESTER. Good. That is good. That is a very good thing.

First of all, I want to thank you guys for your testimony. I very much appreciate you taking the time out of your busy schedule to be here. I want to thank you for your willingness to serve.

As I said in my opening statement, I hope that we can get you guys through the process as quickly as possible. I can tell you that I think all three of you will work together. I hope there are times when you disagree and I hope there are times you are going to agree and hopefully it is not a cantankerous environment and I do not think it will. I do not think your personalities indicate that at all.

So, thank you for being here today and thank you for your testimony.

Without objection, the hearing record will be kept open for 24 hours for any additional comments and for any questions that might be submitted for the record.

With that, this hearing is adjourned.

[Whereupon, at 3:41 p.m., the Committee was adjourned.]



## A P P E N D I X

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**Opening Statement of Senator Jon Tester  
Nominations of Honorable Carol W. Pope, Honorable Ernest W. Dubester, and Patrick  
Pizzella to be Members, Federal Labor Relations Authority  
September 25, 2013**

*As prepared for delivery:*

I call to order this hearing of the Senate Committee on Homeland Security and Governmental Affairs.

We convene this afternoon's hearing to consider the nominations of CAROL WALLER POPE, ERNEST DUBESTER, and PATRICK PIZZELLA, to serve as Members of the Federal Labor Relations Authority.

Carol Waller Pope, Ernest DuBester, and Patrick Pizzella have all filed responses to a biographical and financial questionnaire, answered pre-hearing questions submitted by the Committee, and have had their financial statements reviewed by the Office of Government Ethics. Without objection, this information will be made a part of the hearing record, with the exception of the financial data which are on file and available for public inspection in the committee offices.

**Carol Waller Pope** has over 30 years of experience at the FLRA and is the first and only FLRA career employee to serve as a Member. Most recently, Ms. Pope served as the FLRA Chairman from 2009 through January of this year. Under her leadership as Chairman, the FLRA eliminated its case backlog, reduced the average age of pending cases by 57%, and vastly improved employee satisfaction and morale.

**Ernie DuBester** has 35 years of experience in labor-management relations, with nearly 20 years of experience in the federal sector. Mr. DuBester has worked as a public servant, advocate, mediator, arbitrator, and academic. Mr. DuBester currently serves as the Chairman of the FLRA and has been a Member since 2009.

**Patrick Pizzella** has 21 years of experience working in the Executive Branch and has held positions in management and administration at 6 different agencies, including the Department of Labor, Office of Personnel Management, and the General Services Administration. Most recently, Mr. Pizzella served as the Assistant Secretary of Labor from 2001 through 2009. Additionally, Mr. Pizzella was an original member of the Chief Human Capital Officers, or CHICO, Council.

Thank you, Ms. Pope, Mr. DuBester, and Mr. Pizzella, for joining us today.

Our committee rules require all witnesses at nomination hearings to give their testimony under oath. Would the three nominees please stand and raise their right hands?

Do you swear that the testimony you are about to give to the committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

*[Nominees: "I do."]*

Let the record reflect that the witnesses answered in the affirmative.

**“Nominations Hearing: Federal Labor Relations Authority”  
Senate Committee on Homeland Security and Government Affairs  
September 18, 2013**

**OPENING STATEMENT -- SENATOR PORTMAN**

I want to thank Chairman Carper and Ranking Member Coburn for scheduling this hearing, and Senator Tester for taking on the responsibility for chairing today's proceedings. I'd also like to thank the nominees for being here to answer the Committee's questions and for their commitment to public service. As a former nominee myself, I have sat on that side of the table on various occasions and know something of the experience. I believe each of you has been through prior confirmations hearings. But if you're at all like me, it's the sort of experience that seems unique on each occasion.

This nominations hearing comes at a critical time for the Federal Labor Relations Authority. The FLRA currently lacks a quorum and is largely unable to perform its statutory duties to adjudicate disputes arising under the Civil Service Reform Act, to decide cases concerning the negotiability of collective bargaining agreement proposals, to hear appeals concerning unfair labor practices and representation petitions, and to consider exceptions to grievance arbitration awards.

I'm told that over the course of the nearly nine months that the Authority has lacked a quorum, it has developed a backlog of well over 100 cases that have yet to be considered and decided. If you are confirmed, one of your most pressing priorities must be to address this backlog of cases in a timely and efficient manner. It will also be essential to attend to the FLRA's statutory responsibility to establish policies and guidance regarding the labor-management relations of the 1.6 million non-postal federal employees. I'm glad the administration and the Congress are taking the necessary steps get the FLRA back to work.

Even with a full complement of Members, the recent history of the FLRA has not been without its challenges. As we are all well aware, the Authority came in dead-last on the Partnership for Public Service's "Best Places to Work in the Federal Government" survey in 2005, 2007, and 2009. I'm pleased to note that the FLRA has made significant strides in terms of its internal management and now ranks number 8 out of 29 small agencies for employee satisfaction.

But I'm sure we can all agree that more must be done to ensure that the agency operates efficiently and effectively in fulfilling its responsibilities and in helping to foster lawful and productive relations between federal employees and government managers. I look forward to discussing these and other policy issues this afternoon.

### Opening Statement of Carol Waller Pope

Good Afternoon. I want to thank the Committee and, in particular, Senators Tester and Portman for conducting this hearing. I also thank the Committee staff for their work and meaningful assistance. Finally, I want to thank Congresswoman Norton for being here today as she has been on the two-prior occasions that I appeared before this Committee. I admire her illustrious career in the law, civil rights, human rights, and public service as the first female Chairman of the Equal Employment Opportunity Commission, appointed by President Carter in 1977. Since 1991, she has served as the distinguished and effective Congresswoman representing the District of Columbia.

While she has found her place as an elected representative, I found mine as Member and Chairman of the Federal Labor Relations Authority. I am here today honored and delighted to have been nominated by President Obama to serve for a third term as Member and, if confirmed, to again serve as Chairman of the Federal Labor Relations Authority. The FLRA, where I have worked as a career attorney and political appointee for the last 33 of my 34 years in public service, has an important statutory mission -- a mission that has been the cornerstone of my professional career.

That mission is to exercise leadership in promoting stable, constructive labor-management relationships and resolving disputes in a manner that contributes to a more effective and efficient government. That mission extends to over 2.1 million non-Postal, federal employees, approximately 1.2 million of whom are represented in 2,200 bargaining units. The FLRA accomplishes its mission through the work of our seven regional offices, where investigations, training and education, alternative dispute resolution, and prosecution of violations of the law take place; and in the Office of Administrative Law Judges, where dispute resolution efforts continue and if unsuccessful, formal adjudication begins. Also, the FLRA component known as the Federal Service Impasses Panel works to resolve bargaining impasses. Finally, and most relevant to the hearing today, the three-Member body known as "the Authority" has responsibility to: 1) render quality, timely decisions to resolve unfair labor practice charges on appeal from the Office of Administrative Law Judges; 2) resolve exceptions to grievance arbitration awards; 3) make determinations regarding representation petitions; and, 4) resolve negotiability disputes.

When I last appeared before this Committee on September 11, 2008, the FLRA was plagued with poor mission performance, hundreds of unresolved cases, and a dispirited workforce noted primarily for its low morale. Today, the FLRA is functioning at a high level of productivity, with customer and FLRA-employee engagement, and with full consultation and collaboration among Presidential and career employees. Upon becoming Chairman in February 2009, I instituted an internal and external campaign known as the "Three R's - Revitalization, Reinvention and Re-engagement." This multi-pronged, multi-year initiative was geared toward revitalizing mission performance and customer service; re-inventing work processes and service delivery models; and re-engaging our customer to better meet their needs for training and timely and quality dispute resolution.

While the "three-R" initiative helped focus our actions and our resources, the FLRA's success over the last four years would not have been realized without the hard work of all of its employees, including those that are mostly unseen and often under-appreciated in our Case Intake and Publication, Human Resources, Administration, and Budget offices. All FLRA employees -- here in Washington and Atlanta and Boston and Chicago and Dallas and Denver and San Francisco -- are its greatest asset! Together we were successful in eliminating the backlog of cases, revising regulations, and renewing a commitment to training, education, and alternative dispute resolution.

to avoid costly litigation. Internally, a strategic plan was developed; long-vacated senior and entry-level positions were filled; technology was enhanced; and the agency-wide performance management system was revised.

With increased communication, collaboration, and transparency, employees' commitment to the mission and confidence in leadership was revitalized. Our mission success improved morale and job satisfaction. In 2010, the first Employee Viewpoint Survey conducted after I became Chairman, the FLRA was recognized as the "Most Improved Small Agency" in the federal government with a 250% increase in employee morale and satisfaction. In that Survey, the FLRA rose from 34<sup>th</sup> (last place) to 20<sup>th</sup>. The FLRA continued its rise in employee satisfaction in the 2011 Survey, ranking 7<sup>th</sup>. Most recently, in the 2012 Survey the FLRA ranked 8<sup>th</sup>. The FLRA currently ranks in the top five small agencies in Teamwork (3<sup>rd</sup>) and Effective Leadership (3<sup>rd</sup>).

I would like to share one other perspective with you. Given the fact that at the end of my holdover period in January 2013, the FLRA was a relatively young agency (34 years old) and the fact that I joined the agency as a relatively young attorney, I had then served the agency in increasing responsible positions during 97% of its history. Therefore, I own a unique perspective of both the "good" and the "not-so-good" of our history. Never has there been such a dramatic *improvement* of the FLRA's performance matrix as during my tenure as Chairman. The employees of the FLRA achieved these remarkable results. As Chairman, I worked together with all of the Presidential appointees to provide the leadership and the resources for them to unleash their collective energy, skills, and talents. Going forward, if confirmed, no matter what the challenges -- internal or external, financial, technological, or perhaps skill-based -- as Chairman, I will again work with my Presidential colleagues and all employees to implement a shared vision that prioritizes our resources in order to deliver even better customer service. Our ability to achieve this will be greatly enhanced by the contributions of the full panel of nominees sitting before you today.

I am honored to appear today with my fellow Member-nominees Ernest DuBester and Patrick Pizzella. Chairman DuBester deserves praise for his management of the agency and the Authority for the last eight months, without a quorum of Members. Issuing decisions in pending cases before the Authority, approximately a third of which now exceed internal time-targets for issuance of a decision, has been stalled. Upon confirmation, I am eager to join Member DuBester and to welcome nominee Pizzella to the FLRA family and get busy resolving this backlog of cases. The FLRA also must continue to recruit, train, and retain a diverse workforce. With the looming possibility of government-wide reorganizations and larger budget reductions, the FLRA must continually revise and enhance its work processes to ensure that workplace disputes are resolved in a manner that promotes the effective and efficient operation of government.

In closing, with respect to the FLRA's statutory mission and the role and responsibilities of the position to which I have been nominated, I would like to quote President Teddy Roosevelt, who once stated -- "*Far and away the best prize that life offers is the chance to work hard at work worth doing*"!

I will be happy to answer any questions.

REDACTED

## HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

### 1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Member, Federal Labor Relations Authority (Upon Appointment to be designated Chairman)	January 22, 2013

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Carol	Waller	Pope	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: None		
City: Washington	DC	20015	City:	State:	Zip:

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Multiple Names</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Carol	W.	Pope			05/1980	Present
Carol		Pope			05/1980	Present
Carol	A.	Waller		X	08/1952	05/1980



<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1952	Pittsburgh, PA

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married <input type="checkbox"/>	Married <input type="checkbox"/>	Separated <input type="checkbox"/>	Annulled <input type="checkbox"/>	Divorced <input checked="" type="checkbox"/>	Widowed <input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
N/A			

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
N/A					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (If over 18)</i>			
First Name	Middle Name	Last Name	Suffix
N/A			

## 2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Northeastern University	School of Law	09/1975	05/1978	Juris Doctor	05/1978
Simmons College	Undergraduate College	09/1970	05/1974	Bachelor of Arts	05/1974
Cornell University	Undergraduate College – School of Industrial and Labor Relations. Professional training on 1) Mutual Gains Bargaining/Negotiation Skills and 2) Facilitator Training for Mutual Gains Negotiation	1) 5/1993 Est. X 2) 5/1994 Est. X	1) 5/1993 Est. X 2) 5/1994 Est. X	Certificate of completion	1993 and 1994
Federal Executive Institute	Office of Personnel Management Executive Leadership Training	Est. 6/1997 X	Est. 6/1997 X <input type="checkbox"/>	certificate	1997
Harvard Law School	Harvard Negotiation Institute, Program on Negotiation	2/1998 Est. X	2/1998 Est. X	certificate	1998

## 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment,	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if	<u>Date Employment Ended</u> (month/year) (check box if
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State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other				estimate)	estimate) (check "present" box if still employed)
Federal Government	Federal Labor Relations Authority	Chairman and Member	Wash., DC	Chairman - 03/2009; Acting Chairman 2/2009 - 3/2009; Member - 10/2008 (confirmed); 04/2007 - 09/2008 - (recess appt.); 10/2000 - 12/2006 (confirmed)	01/2013
Federal Government	Federal Labor Relations Authority	Assistant General Counsel for Appeals	Wash., DC	10/1998	10/2000
Federal Government	Federal Labor Relations Authority	Director of Appeals and Special Programs	Wash., DC	06/1996	10/1998
Federal Government	Federal Labor Relations Authority	Executive Assistant to the General Counsel	Wash., DC	07/1994	06/1996
Federal Government	Federal Labor Relations Authority	Attorney	Boston, MA	02/1980	07/1994
Federal Government	U.S. Department of Labor	Attorney	Wash., DC	01/1979	02/1980
Federally-funded Program	New Careers in Mental Health, Boston University School of Medicine	Job Developer	Boston, MA	06/1974	08/1975

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
None		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>

#### 4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I consulted with the Office of Government Ethics and the Federal Labor Relations Authority's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I entered into with FLRA's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

I have not engaged in any such activity.

## **5. Honors and Awards**

**List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.**

Letter of Congratulations from Senator Daniel Akaka, Chairman Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, September 2010, on "dramatic improvement in the 2010 Best Places to Work Rankings."

Most Improved Small Agency in 2010 Best Places to Work in the Federal Government Annual Survey

American Bar Association - Federal Service Leadership Award, 2005

Carol Waller Pope Leadership Scholarship Award (for students -- created by Simmons College in honor of my volunteer leadership), 2005

National Partnership for Reinventing Government Hammer Award, 1999

Office of Personnel Management, Federal Executive Institute, Commencement Speaker, 1997

Special Achievement Award, Federal Labor Relations Authority, 1981

Superior Accomplishment Award, Federal Labor Relations Authority, 1991, 1992, 1999

Sustained Superior Performance Award, Federal Labor Relations Authority, 1988, 1989, 1999

Sustained High Quality Performance, Federal Labor Relations Authority, 1997

Special Act Award, Federal Labor Relations Authority, 1997, 1998

Certificate of Appreciation, Federal Labor Relations Authority, 1999

Simmons College Alumnae Service Award, 1998

Commonwealth of Massachusetts State Senate Citation, 1993

Big Sister Association of Greater Boston, 1993

## **6. Memberships**

**List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years. Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your**

children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Simmons College Alumnae Association, Boston, MA	1975 – present	President and Vice-President (est. 1991-1993)
Simmons College African-American Alumnae Association, Boston, MA	1995- present	President (est. 2000-2004)
Simmons College Leadership Council	2004-present	Member
Simmons College Board of Trustees, Boston, MA	2004-present	Trustee
Simmons College Corporation, Boston, MA	2000 - present	Corporator
Employment Justice Center, Washington, DC,	2006 - present	Secretary
Madison Park Development Corporation, Board of Directors, Boston, MA	1980's - present	Director
United States Court of Appeals, First Circuit Bar	1979 - present	Member
Supreme Court of the United States Bar	1990 - present	Member
United States Court of Appeals, Fifth Circuit Bar	1979 - present	Member
American Bar Association	2004-2011	Member
Massachusetts Bar Association	1978 - present	Member
Society of Federal Labor Relations Professionals	1999 - present	Member
Central State University General Alumnae Association	2010	Member

### 7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
No.			

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Clinton-Gore Campaign	Poll Watcher, VA	Poll Watcher	November 1996
Democratic Party	Volunteer Attorney Voter Protection, PA	Legal Services Team Member to address voter protection issues.	November 2004
Democratic Party	Volunteer Attorney Voter Protection, VA	Legal Services Team Member to address voter protection issues.	November 2008

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Obama Victory Fund	500.00	2008
Obama Victory Fund	1,000.00	2008

### 8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Careers and the Minority Lawyer -- Career Bios See Attachment #1.	Crimson and Brown Associates	Spring 1999

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

See Attachment # 2.		
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(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
See Attachment #3.		

### 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.) **No.**
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official? **No.**
- Have you been charged, convicted, or sentenced of a crime in any court? **No.**
- Have you been or are you currently on probation or parole? **No.**



- Are you currently on trial or awaiting a trial on criminal charges? **No.**
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation? **No.**

**If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).**

- A) Date of offense:
- a. Is this an estimate (Yes/No):
- B) Description of the specific nature of the offense:
- C) Did the offense involve any of the following?
- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
  - 2) Firearms or explosives: **Yes / No**
  - 3) Alcohol or drugs: **Yes / No**
- D) Location where the offense occurred (city, county, state, zip code, country):
- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**
- 1) Name of the law enforcement agency that arrested/cited/summoned you:
  - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
  - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
  - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: **Yes / No**
- H) Provide a description of the sentence:

- I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**
- J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**
- N) Provide explanation:

### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
No				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
December 12, 2011		Nicholas Hawkins, Jr. v. Carol Waller Pope, EEOC Appeal Docket No. 01-2013-0659	Administrative proceeding in which complainant alleges discrimination based on age, race, and disability, and reprisal.	Pending.
July 7, 2010	U.S. District Court, Western Division of Tennessee	Sherry Taylor v. Carol Waller Pope, EEOC Appeal Docket No. 01-2010-3284	The plaintiff alleges that an FLRA Regional Director's denial of her unfair labor practice charges was discriminatory and retaliatory.	Dismissed on November 8, 2012.
August 17, 2010	U.S. District Court, District of Columbia	AGFE, AFL-CIO, Local 2798 and Hussain v. Pope and Clark, No. 1:10-01012	The plaintiff seeks review of the FLRA General Counsel Julie Akin Clark's refusal to issue a complaint in an unfair labor practice case and the General Counsel's decision to deny plaintiff's request for	Dismissed on September 1, 2011.

			reconsideration of the denial.	
July 28, 2008		Ayo Glanton v. Carol Waller Pope, EEOC Appeal Docket No. 440-2009-00104X	Administrative proceeding in which the complainant asserted an Equal Pay Act claim.	Resolved by settlement on May 12, 2009.
July 28, 2008		Kenneth Woodbury v. Carol Waller Pope, EEOC Appeal Docket No. 440-2009-00106X	Administrative proceeding in which the complainant asserted an Equal Pay Act claim.	Resolved by settlement on May 8, 2009.
December 1998	DC Superior Court, Family Division	Carol Waller Pope and Chauncey A. Pope	Divorce proceeding.	Granted.

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity. None.

#### 11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed. No.

<u>Name of Agency/Association/Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy? No.

#### 12. Tax Compliance

**REDACTED**

**REDACTED**

### 13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). No.

### 14. Outside Positions

x See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

**15. Agreements or Arrangements**

X See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

**16. Additional Financial Data**

REDACTED

**REDACTED****SIGNATURE AND DATE**

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Carolyn L. Loe

This 29th day of May, 2013

Carol Waller Pope  
HSGA Biographical Questions for Executive Nominees  
May 2013

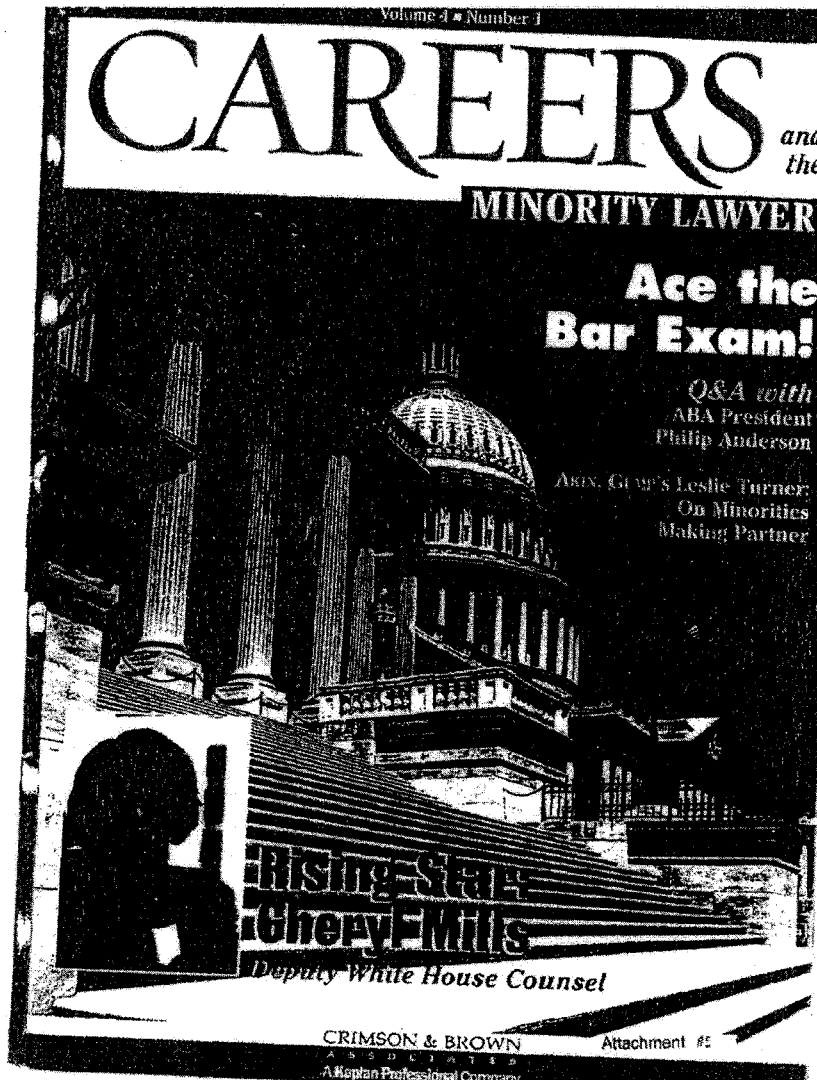
**INDEX OF ATTACHMENTS**

Attachment #1	Response to Question #8(A) – Publications and Speeches
Attachment #2	Response to Question #8(B) – List of Formal Speeches w/text provided
Attachment #3	Response to Question #8(C) – List of Speeches (w/o text)
Attachment #4	Response to Question #12(F) – Tax Compliance <b>REDACTED</b>



Carol Waller Pope  
HSGA Biographical Questions for Executive Nominees  
May 2013

ATTACHMENT #1      Question 8 (A) - Publications and Speeches



## CAREER BIOS

**B**ECOMING AN ATTORNEY WAS NOT A LIFELONG DREAM. My early career plans were grounded in service to others in the fields of psychology and social work. However, during my senior year of college, I became intrigued by the interplay between psychology and the law in the study of jury selection and composition in criminal proceedings. That interest led me to a business law class. Soon after, I decided to pursue a legal career.

The first hurdle was my own anxiety. I feared that, without four years of pre-law study, I was ill-prepared to compete in law school entrance exams, admissions and the horrors of the Socratic teaching method. I came to realize that my education at a women's college, where I learned that women could and would succeed in any career, had prepared me well.

My legal career is concentrated in government service, specifically in labor law and labor relations. The Federal Labor Relations Authority (FLRA) is an independent federal agency that administers the labor relations program for 1.9 million employees, federal agencies and federal unions in the United States government. The Office of the General Counsel is the independent investigative and prosecutorial component of the FLRA. As assistant general counsel, I assist in the development and administration of legal policy, litigation strategy and alternative dispute resolution services. I also manage the legal and quality review of more than 500 appeals cases filed annually.

My transition from staff attorney to a management position began with an offer to accept a political appointment as executive assistant to the general counsel, a presidential appointee. The position presented opportunities for job growth; however, because job security for political appointees is dictated by the electoral success of the presidential candidate, the offer carried some risk. I accepted the position because I knew it would serve as a stepping stone for career advancement and great achievements often come from opportunities that include significant risk.

Since then, I have held positions of increased responsibility. Continuous learning—including skills training in areas that extend beyond traditional legal education—are critical to my success. Self-development has resulted in a greater knowledge of facilitation and intervention skills, interest-based problem solving and the art of effective communication. Alternative dispute resolution skills are an integral part of my role in assisting parties to foster improved labor-management relations.

Leadership can be defined as a critical component of one's success. As manager of the office's strategic planning process, I have leadership responsibilities in the areas of strategic planning, implementation and evaluation. I also lead teams whose charge is to develop and implement strategic initiatives. In this capacity, I served as a team leader for one of three reinvention teams in streamlining unfair labor practice post-complaint regulations. Recently, all three teams were notified that our new regulations were being recognized by Vice President Al Gore. We received the prestigious Hammer Award—Vice President Gore's tribute to reinvention teams for creating a government that works better, costs less and delivers results the American people care about.

Outside the office, my career is enhanced by volunteer work including service as a member of the board of trustees of Simmons College and the board of directors of Simmons' Alumnae Association. I am a member of the board of directors of a nonprofit community development corporation and serve as a mentor to college students. This work allows me to practice communication and leadership skills and, more importantly, provides an opportunity to give something back to my community.

My advice to minority lawyers is to engage in lifelong learning. Recognize the value of identifying and communicating your career goals and of seeking the training and experience necessary to achieve them. A successful career means working continuously to ensure a balance between work, family, friends and volunteer service. ■



*Ms. Waller Pope has been with the Federal Labor Relations Authority for 19 years.*

## Carol Waller Pope, Federal Labor Relations Authority

**Title:** Assistant General Counsel  
**Office of the General Counsel**  
**Location:** Washington, DC  
**Career:** Assistant General Counsel, 1998;  
Director of Appeals, 1996; Executive Assistant  
to the General Counsel, 1994; Attorney, Boston  
Regional Office of the Federal Labor Relations  
Authority, 1980; Attorney, Solicitor's Office,  
U.S. Department of Labor, 1979  
**Education:** JD, Northeastern University School  
of Law, 1978; Leopold Schepp Foundation  
Fellow, Simmons College, 1974

Carol Waller Pope  
HISGA Biographical Questions for Executive Nominees  
May 2013

I did my best to identify all books, articles, reports, speeches, testimony and other materials including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find or remember. I identified the following:

<b>Attachment #2</b>	<b>Question 8(B) – List of Formal Speeches w/text provided</b>
1. June 2008	FPMI Solutions, Inc., 19 <sup>th</sup> Annual Labor and Employee Relations Conference, New Orleans, LA Audience – Federal sector management and labor officials
2. June 2008	National Energy Technology Center – Federal sector Labor Law and Labor Relations Conference, Pittsburgh, PA Audience--National Energy Technology Center management employees and union representatives.
3. September 2008	Confirmation Hearing Testimony – corrected draft transcript- U.S. Senate Committee on Governmental Affairs and Homeland Security, Washington, DC. (corrected draft testimony provided– final-version unavailable.)
4. April 2009	The Society of Federal Labor & Employee Relations Professionals 36 <sup>th</sup> Annual Symposium on Labor, Employee, Management Relations. Luncheon Keynote Speaker, Arlington, VA Audience – Federal sector labor, management and neutrals.
5. June 2009	FPMI Solutions, Inc., 20 <sup>th</sup> Annual Labor and Employee Relations Conference, Miami, FLA Audience – Federal sector management and labor officials
6. June 2009	Labor and Employment Relations Association, 8 <sup>th</sup> National Policy Forum, Panel Presentation, Washington, DC Audience -- academia, management, labor and "neutrals" (arbitrators and mediators) employee relations and neutral labor law professionals.
7. June 2009	National Energy Technology Laboratory, Annual Labor and Employee Relations Training Forum, Speech and presentation entitled, Labor Relations in the New Administration, Pittsburgh, PA Audience – National Energy Technology Center management employees.
8. September 2009	Federal Sector Labor Relations and Labor Law Conference, Chicago-Kent College of Law., Chicago, IL. Audience – law students, faculty and staff; union and management representatives.
9. September 2009	<i>Government Executive</i> magazine interview, Washington, DC

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10. August 2009      Federal Dispute Resolution Conference, Phoenix, AZ  
Audience— Federal sector Human Resource and EEO management officials.
  
11. November 2009    American Bar Association, 3<sup>rd</sup> Annual Continuing Legal Education Conference., Washington, DC.  
Audience -- ABA Labor & Employment Law Section Members.
  
12. February 2010    Federal Employer Lawyers Group, Washington, DC  
Audience – Federal sector labor lawyers.
  
13. May 2010          Defense Employees and Labor Relations Symposium  
Department of Defense Employee and Labor Relations Conference, Tampa, FLA  
Audience – Department of Defense employees.
  
14. June 2010          AFL-CIO LCC Union Lawyers Conference, Washington, DC  
Audience – AFL-CIO legal staff.
  
15. June 2010          FPMI Solutions, Inc., Labor & Employee Relations Conference  
Audience – Federal sector EEO, Human Resources and Labor Relations professionals.
  
16. July 2010          EEOC EXCEL- Passion for Equality Conference, Orlando. FL  
Audience -- Federal EEO, Human Resources and Labor Relations professionals.
  
17. July 2010          Social Security Administration Annual Labor Relations/Employee Relations Training Conference. Baltimore, MD.  
Audience — Social Security Administration management employees.
  
18. July 2010          Federal Executive Board, Washington, DC  
Audience — Federal executives
  
19. September 2010    Federal Administrative Law Judges 47<sup>th</sup> Annual Seminar, Ocean City, MD. Audience — Federal sector Administrative Law Judges
  
20. September 2010    Federal Sector Labor Relations and Labor Law Conference, Chicago-Kent School of Law, Chicago, IL  
Audience – law students, faculty and staff; union and management representatives.
  
21. September 2010    Telephone interview published in Washington Post – *The Federal Coach* column

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22. June 2011            FPMI Solutions, Inc., Labor & Employee Relations Conference, Tuscon, AZ. Audience – Federal sector EEO, Human Resources and Labor Relations professionals
  
23. Spring/Summer 2011      Radio Interview published in Business in Government Journal
  
24. November 2011      Metal Trades Department, AFL-CIO 69<sup>th</sup> Annual Convention Las Vegas, NV. Audience – MTC National and Local officers and conference attendees.
  
25. March 2012            Federal Managers Association Training Seminar Washington, DC. Audience FMA members/training attendees.
  
26. April 2012            FLRA All-Employee Town Hall Washington, DC. Audience – FLRA employees
  
27. June 2012            FPMI Solutions Inc., Washington, DC. Audience - Federal sector EEO, Human Resources and Labor Relations professionals
  
28. July 2012            United States Department of Agriculture Human Resources Management Conference Washington, DC. Audience – USDA Human Resources professionals
  
29. October 2012        National Federation of Federal Employees 49<sup>th</sup> National Convention, Portland, OR. Audience – NFFE National and Local officers and conference attendees.
  
30. December 2012      FLRA All-Employee Town Hall Washington, DC. Audience – FLRA employees
  
31. December 2012      Excellence in Government Fellows Training Seminar, Partnership for Public Service, Washington, DC. Audience – Government Employees selected as Excellence in Government Fellows.

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<b>Attachment #3</b>	<b>Question 8 (C) – List of all speeches (w/o text)</b>
June 2003	FPML Solutions, Inc., Annual Conference, Speech entitled, Current Issues in Federal Sector Labor Law and Labor Relations Phoenix, AZ
February 2006	Speech to Simmons College students delivered at ceremonial dinner conferring Carol Waller Pope Leadership Award scholarship to student recipient. Boston, MA., Audience Simmons College alumnae. Speech topic: leadership.
October 2006	Luncheon speech to Administrative Law Judges Association. Washington, DC. Luncheon topic was current issues in Federal sector Labor Law and the operation of FLRA.
June 2009	Federal News -- Federal Drive Program Radio Interview 1500 AM, Washington, DC Topic: FLRA Agency update
October 2009	Federal News -- Federal Drive Program Radio Interview 1500 AM, Washington, DC Topic: FLRA Agency update
August 2010	Federal Dispute Resolution Conference Agency Head (with officials from Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Mediation and Conciliation Service and Office of Personnel Management) Update Panel
September 2010	FLRA Office of the General Counsel Chicago Town Hall Meeting (labor and management representatives), Topic: Update on FLRA initiatives.
April 2011	Federal Workers Alliance (association of Federal Unions) Topic: Update on FLRA initiatives
May 2011	BNA, Washington, DC Interview on FLRA's new Arbitration Regulations Interview posted on BNA's Labor and Employment Resource website.
August 2011	Federal Dispute Resolution Conference Agency Update Panel (with officials from Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Mediation and Conciliation Service, Office of Special Counsel and Office of Personnel Management) and Best Places to Work Panel

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May 2013

September 2011	FLRA Office of the General Counsel New York Town Hall Meeting (labor and management representatives), New York, NY Audience — Federal labor and management representatives.
August 2012	Federal Dispute Resolution Conference, San Antonio, TX Agency Head Update with Chairman, Merit Systems Protection Board,)

REDACTED



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005-3917

**FEB 21 2013**

The Honorable Thomas R. Carper  
Chairman  
Committee on Homeland Security and  
Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Carol W. Pope, who has been nominated by President Obama for the position of Member, Federal Labor Relations Authority.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in dark ink, appearing to read "Walter M. Shaub, Jr.", written in a cursive style.

Walter M. Shaub, Jr.  
Director

Enclosures



November 13, 2012

Rosa M. Koppel  
Solicitor  
Federal Labor Relations Authority  
1400 K Street, NW, Suite 300  
Washington, DC 20424

Dear Ms. Koppel:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Member of the Federal Labor Relations Authority.

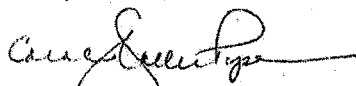
As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my uncompensated positions with the following entities: the D.C. Employment Justice Center, the Madison Park Development Corporation, and Simmons College. For a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely



Carol Waller Pope

OPENING STATEMENT OF HON. ERNIE DUBESTER OF VIRGINIA TO BE A MEMBER  
OF THE FEDERAL LABOR RELATIONS AUTHORITY  
BEFORE THE COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE  
SEPTEMBER 25, 2013

Mr. Chairman and Members of the committee:

I greatly appreciate the opportunity to come before this Committee again for its consideration of my nomination to be a Member of the Federal Labor Relations Authority (FLRA). I also would like to thank the Committee's staff for their work and assistance in reviewing my nomination and scheduling this hearing.

Before making a brief opening statement, I would like to introduce my wife, Karen Kremer. This year we celebrated our 25<sup>th</sup> Anniversary. When I first met Karen, she was working for Senator Howell Heflin on the Senate Judiciary Committee. So this Body will always hold a special, personal meaning in my life.

It is also a great pleasure to appear alongside my friend and colleague, Carol Waller Pope, and my new friend and, hopefully, soon to be colleague, Pat Pizzella.

I also want to recognize the presence here this afternoon of quite a few people from the FLRA. These dedicated public servants, as well as many FLRA staff who are not present, are the key to the FLRA's many successes of the last four years.

Mr. Chairman, it is an honor to appear before you after being nominated again by President Obama to be a Member of the FLRA. I have served as a Member for the last four years. And, I am privileged to have served as Chairman since January of this year.

When I last appeared before this Committee, Senator Akaka noted that "big changes" were needed because for "far too long" the FLRA had "failed to carry out its mission", with a serious backlog of cases and low employee morale. I respectfully submit that, indeed, big changes have occurred.

The last four years reflect many accomplishments at the FLRA based on an energetic period of revitalization, reinvention, and re-engagement. At the end of the last calendar year, not only had we eliminated our case backlog, but we had eliminated all overage cases. Exercising our statutory responsibility to provide leadership in labor-management relations, we have delivered a variety of

training sessions to tens of thousands of labor and management representatives in the federal Sector community. And with an agency focus on human capital initiatives, such as training and development, performance management, and work-life balance, employee morale has improved dramatically. For the last two years, we have ranked in the top 10 in the Partnership for Public Service rankings for "Best Places to Work in the Federal Government", receiving #3 rankings in the specific categories of teamwork and effective leadership.

Mr. Chairman, in my nearly 40 years of experience in labor-management relations, working as a public servant, advocate, mediator, arbitrator, and academic, over 20 of those years are in the federal sector. I remain strongly committed to the FLRA's mission and to the importance of stable, constructive labor-management relations in the Federal sector. And, if reconfirmed, I will continue to work tirelessly so that the FLRA is recognized as one of the stellar agencies in the federal government.

Again, I appreciate the opportunity to appear before you and I would be pleased to answer any questions that you have.

REDACTED

## HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

### 1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
Name of Position	Date of Nomination
Member, Federal Labor Relations Authority (FLRA)	3/7/13

<i>Current Legal Name</i>			
First Name	Middle Name	Last Name	Suffix
Ernest	William	DuBester	

<i>Addresses</i>					
Residential Address (do not include street address)			Office Address (include street address)		
			Street: 1400 K St., NW, Suite 311		
City: Arlington	State: VA	Zip: 22207	City: Washington	State: DC	Zip: 20005

<i>Other Names Used</i>						
First Name	Middle Name	Last Name	Suffix	Checked Middle Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
Ernie					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
<b>Year of Birth</b> (Do not include month and day.)	<b>Place of Birth</b>
1950	Passaic, NJ

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married <input type="checkbox"/>	Married <input checked="" type="checkbox"/>	Separated <input type="checkbox"/>	Annulled <input type="checkbox"/>	Divorced <input type="checkbox"/>	Widowed <input type="checkbox"/>

<i>Spouse's Name</i> (current spouse only)			
<b>Spouse's First Name</b>	<b>Spouse's Middle Name</b>	<b>Spouse's Last Name</b>	<b>Spouse's Suffix</b>
Karen	Marie	Kremer	

<i>Spouse's Other Names Used</i> (current spouse only)						
<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Suffix</b>	<b>Check if Maiden Name</b>	<b>Name Used From</b> (Month/Year) (Check box if estimate)	<b>Name Used To</b> (Month/Year) (Check box if estimate)
					Est <input type="checkbox"/>	Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix

## 2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Boston College	College	Est August/1968 <input type="checkbox"/>	Est Present May/1972 <input type="checkbox"/> <input type="checkbox"/>	A.B.	May, 1972
Columbus School of Law, Catholic Univ. of America	University	Est August/1972 <input type="checkbox"/>	Est Present May/1975 <input type="checkbox"/> <input type="checkbox"/>	J.D.	May 1975
Georgetown Univ. Law Center	University	Sept./1978 <input checked="" type="checkbox"/>	Est Present May 1980 <input type="checkbox"/> <input type="checkbox"/>	LL.M. (Labor Law)	May 1980
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>		

### 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non- Federal Employment), Self- employment, Unemployment, Federal Contractor, Non- Government Employment (excluding self-employment), Other	<u>Name of Your Employer/ Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location (City and State only)</u>	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
Other federal employment	Federal Labor Relations Authority (FLRA)	Chairman	DC	Jan. 2013 Est <input type="checkbox"/>	Present Est <input type="checkbox"/>
Other federal employment	FLRA	Member	DC	August 2009 Est <input type="checkbox"/>	Jan. 2013 Est <input type="checkbox"/>
Other federal employment	National Mediation Board (NMB)	Mediator	DC	July 2005 Est <input type="checkbox"/>	August 2009 Est <input type="checkbox"/>
Non-Government Employment	George Mason University School of Law (GMUSL)	Distinguished Professor of Law (and Chair of Dispute Resolution Program)	Arlington, VA	August 2001 Est <input type="checkbox"/>	July 2005 Est <input type="checkbox"/>
Self-employment	While at GMUSL	Arbitrator & Mediator	Arl. VA	Aug. 2001 Est <input type="checkbox"/>	July 2005 Est <input type="checkbox"/>
Other Federal employment	National Mediation Board	Chairman (and Member)	Wash. DC	Nov. 1993	Aug. 2001
Non-Federal employment	Catholic Univ. School of Law	Adjunct faculty	Wash. DC	1997	2001
Non-Federal employment	AFL-CIO	Legislative counsel	Wash. DC	1984	1993

Non-Federal employment	Law firm of Highsaw & Mahoney	Associate	Wash. DC	1981	1984
Other Federal employment	National Labor Relations Board	Counsel to Chairman (and Member)	Wash. DC	1975	1981
		Field attorney	Los Angeles Regional Office	1978	1978
		Legal Assistant to Board Member	Wash. DC	Summer of 1974 & part-time Fall of 1974	Spring of 1975

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
International Labor Org.	Chairman, Tripartite Conference on "Consequences for Mgmt. & Personnel of Restructuring of Railways"	April 1994 Est <input checked="" type="checkbox"/>	April 1994 Est <input checked="" type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>
		Est <input type="checkbox"/>	Est <input type="checkbox"/> Present <input type="checkbox"/>

#### 4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.



In connection with the nomination process, I consulted with the Office of Government Ethics and the Federal Labor Relations Authority's designated agency ethics officer to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I entered into with the FLRA's designated agency ethics officer and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

I have engaged in no such activity.

### 5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

While at the NLRB, received Distinguished Service and Sustained Superior Performance Awards in 1978, 1979, & 1980.

### 6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
New Jersey State Bar Ass'n	Since 1976	Member
Florida State Bar Ass'n	Since 1976	Member

District of Columbia Bar Ass'n	Since 1980	Member
American Bar Ass'n	Off & On since 1976 (currently a member)	Member
Ass'n of Conflict Resolution	2002-2009	Member
Society of Federal Labor & Employee Relations Professionals	2003-Present	Member
Labor & Employment Relations Ass'n	Off & On since 1994 (currently a Member)	Member & on Board of Directors since January 2013
Boston College Alumni Club of Metropolitan Washington, DC	Since 1976	Member (and President 1984-92)
Virginia Supreme Court, Richmond, VA	2002-Oct. 2008	Certified Mediator

#### 7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?  
NO

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
Presidential Campaign of Barack Obama	Worked as a volunteer in Virginia. Services rendered included phone banks, canvassing, & literature distribution.		2008

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Presidential Campaign of Barack Obama	\$500	2008
Presidential Campaign of Barack Obama	\$600 (\$300 twice)	2012


#### 8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
In the magazine "Perspectives on Work", published article entitled: "Collective Bargaining: A Critical Value of a Democracy."	Labor & Employment Relations Ass'n	Summer 2011/Winter 2012 issue


(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Keynote address-Article cited in my response to 8 (A) was adapted from this speech	Dallas, TX, to the National Academy of Arbitrators, SW region	March 4, 2011
Keynote address-Reprised theme from above speech & cited article	Arlington, VA, to 40 <sup>th</sup> Annual Symposium of the Society of Federal Labor & Employment Relations Professionals	April 18, 2013


(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
People-Relationships-Effective Communication. Consistent with Conference's Theme "Back to the Basics", Fundamental Considerations Can Help Make You a Better Practitioner in all Aspects of Labor-Management relations	Office of Personnel Management, Washington, DC. Employee Relations Policy Series.	5/21/13
FLRA Update	American Bar Ass'n, Washington DC. Federal Sector Committee of Labor & Employment Law Section	4/10/13
Why Use of Alternative Dispute Resolution Is So Effective at the FLRA	DC Chapter of Labor & Employment Relations Ass'n	1/22/13
Use of ITEV (Internet, Telephonic & Electronic Voting) in Representation Matters	NYU School of Law. Technology in Practice & Workplace Committee of Labor & Employment Law Sec. of ABA	4/25/12
FLRA Update	Federal Sector Committee, ABA Labor & Employment Law Sec., Chicago, Ill.	11/4/10

FLRA Update	Federal Sector Committee, ABA Labor & Employment Law Sec., Washington, DC	4/15/10

### 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you?  
(Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)  
No
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?  
No
- Have you been charged, convicted, or sentenced of a crime in any court?  
No
- Have you been or are you currently on probation or parole?  
No
- Are you currently on trial or awaiting a trial on criminal charges?  
No
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?  
No

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

A) Date of offense:

- a. Is this an estimate (Yes/No):
- B) Description of the specific nature of the offense:
- C) Did the offense involve any of the following?
  - 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: Yes / No
  - 2) Firearms or explosives: Yes / No
  - 3) Alcohol or drugs: Yes / No
- D) Location where the offense occurred (city, county, state, zip code, country):
- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes / No
  - 1) Name of the law enforcement agency that arrested/cited/summoned you:
  - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: Yes / No
  - 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
  - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
  - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: Yes / No
- H) Provide a description of the sentence:
- I) Were you sentenced to imprisonment for a term exceeding one year: Yes / No
- J) Were you incarcerated as a result of that sentence for not less than one year: Yes / No
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:



M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: Yes / No

N) Provide explanation:

### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings. N/A

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
Sept. 2004	Arlington County Circuit Court (VA)	Myself (Plaintiff) and Nicole Arshan (Defendant). My attorney was Patrick Regan, with the firm Regan Zambri & Long, 1919 M St.,	In January 2002, I was involved in a serious automobile accident. I sued the person responsible for causing the accident to compensate for injuries sustained and related consequences.	Matter was settled pre-trial in Feb. of 2005.

		NW, Ste. 350, Wash., DC 20036; 202-463-3030, Ext. 222.		
5/3/13	EEOC, Wash. DC	Robin Davis and Ernie DuBester, Chairman, Federal Labor Relations Agency (FLRA) and FLRA	Appeal to EEOC of Final Agency Action.  I am named only in my capacity as Chairman of the FLRA.	Matter Pending.

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

None

#### 11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No

<u>Name of Agency/Association/ Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>
National Mediation Board (NMB)	November 2001	In May of 2001, when I left the NMB and was hired by George Mason University (GMU) Law School, there was an interdisciplinary Academic Center for Dispute Resolution between the Law School & GMU's Institute for Conflict Analysis & Resolution (ICAR). Apparently, questions were raised about the solicitation of funding for the Center which led to an ethics inquiry.	I was found not to have been involved and, as to me, the matter was dropped (not referred). I continued to teach at GMU for the next four years. And, in 2005, I was rehired by the NMB, the investigative entity, where I worked until August 2009.


- (D) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?  
No

12. Tax Compliance

REDACTED

**REDACTED**

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State). NO

#### 14. Outside Positions

x See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)
Virginia Mediation Network	Richmond, VA	Non-profit	Board of Directors	2005	2008
Northern Virginia Mediation Services	Fairfax, VA	Non-profit	Board of Directors	2003	2008

#### 15. Agreements or Arrangements

x See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for:  
 (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Not applicable

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits. Not applicable

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

16. Additional Financial Data

**REDACTED**

**REDACTED**

## SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Ernest W. Dubelen

This 10<sup>th</sup> day of June, 2013





United States  
**Office of Government Ethics**  
 1201 New York Avenue, NW., Suite 500  
 Washington, DC 20005-3917

MAR 26 2013

The Honorable Thomas R. Carper  
 Chairman  
 Committee on Homeland Security  
 and Governmental Affairs  
 United States Senate  
 Washington, DC 20510

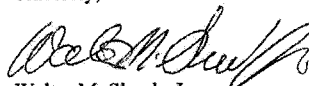
Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Ernest W. DuBester, who has been nominated by President Obama for the position of Member of the Federal Labor Relations Authority.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

  
 Walter M. Shaub, Jr.  
 Director

Enclosures **REDACTED**

March 11, 2013

Rosa M. Koppel  
Designated Agency Ethics Official  
Federal Labor Relations Authority  
1400 K Street, NW.  
Suite 300  
Washington, DC 20424

Dear Ms. Koppel:

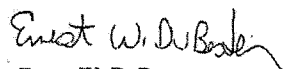
The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Member of the Federal Labor Relations Authority.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor children of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

I understand that as an appointee I must continue to abide by the Ethics Pledge (Exec. Order No. 13490) that I previously signed and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

Sincerely,

  
Ernest W. DuBester

**Prepared Statement of Patrick Pizzella  
September 25, 2013  
Senate Homeland Security & Government Affairs Committee**

Thank you Mr. Chairman.

Before I begin I would like to recognize my wife--Mary Joy--who previously served at the Department of Energy, the State Department and the General Services Administration.

Chairman Carper, Senator Portman, Senator Tester and Members of the Committee, I want to thank you and your staff for all the courtesies they have shown to me as I have prepared for this hearing. Given the seriousness of the issues that surround you on the eve of a new fiscal year I am especially appreciative of the time you have taken to ensure the Federal Labor Relations Authority operates at full strength.

This is the third time I have had the privilege of being nominated by a President for a position of public trust. I am honored the President nominated me to be a Member of the Federal Labor Relations Authority and, if confirmed, I will dedicate myself to discharging the responsibilities of the FLRA in accordance with laws, rules and regulations.

I began my tenure in federal service in the early 1980's and I believe my 21 years of experience in the Executive Branch will be an asset to the FLRA.

I would be happy to answer any questions you may have.

Thank you.

REDACTED

## HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

### 1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
<u>Member, Federal Labor Relations Authority</u>	<u>August 2, 2013</u>

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
<u>Patrick</u>		<u>Pizzella</u>	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street:		
			Work from Home		
City: <u>Alexandria</u>	State: <u>VA</u>	Zip: <u>22302-3304</u>	City:	State:	Zip:

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	Check if Married Name	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
<u>Pat</u>		<u>Pizzella</u>	<u>Jr.</u>		5/54      Est <input type="checkbox"/>	5/71      Est <input checked="" type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
<u>1954</u>	<u>New Rochelle, NY</u>

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married <input type="checkbox"/>	Married <input checked="" type="checkbox"/>	Separated <input type="checkbox"/>	Annulled <input type="checkbox"/>	Divorced <input type="checkbox"/>	Widowed <input type="checkbox"/>

<i>Spouse's Name (current spouse only)</i>			
Spouse's First Name	Spouse's Middle Name	Spouse's Last Name	Spouse's Suffix
<u>Mary</u>	<u>Joy</u>	<u>Pizzella</u>	

<i>Spouse's Other Names Used (current spouse only)</i>						
First Name	Middle Name	Last Name	Suffix	Check if Maiden Name	Name Used From (Month/Year) (Check box if estimate)	Name Used To (Month/Year) (Check box if estimate)
		<u>Jameson</u>			<u>October 1955</u> Est <input type="checkbox"/>	<u>February 2005</u> Est <input type="checkbox"/>
					Est <input type="checkbox"/>	Est <input type="checkbox"/>

<i>Children's Names (if over 18)</i>			
<b>First Name</b>	<b>Middle Name</b>	<b>Last Name</b>	<b>Suffix</b>

## 2. Education

List all post-secondary schools attended.

<b><u>Name of School</u></b>	<b><u>Type of School</u></b> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<b><u>Date Began School</u></b> (month/year) (check box if estimate)	<b><u>Date Ended School</u></b> (month/year) (check box if estimate) (check "present" box if still in school)	<b><u>Degree</u></b>	<b><u>Date Awarded</u></b>
<b><u>University of South Carolina</u></b>	<b><u>University</u></b>	8/72 <input type="checkbox"/> Est	Present 12/75 <input type="checkbox"/> Est	<b><u>B.S. Business Administration</u></b>	12/75
		<input type="checkbox"/> Est	Present <input type="checkbox"/> Est		

### 3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

<u>Type of Employment</u> (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	<u>Name of Your Employer/Assigned Duty Station</u>	<u>Most Recent Position Title/Rank</u>	<u>Location</u> (City and State only)	<u>Date Employment Began</u> (month/year) (check box if estimate)	<u>Date Employment Ended</u> (month/year) (check box if estimate) (check "present" box if still employed)
<u>Self-Employed</u>	<u>Patrick Pizzella, LLC</u>	<u>Principal</u>	<u>Alexandria, VA</u>	<u>Feb. 2002</u>	<u>"present"</u>
<u>Federal Employment</u>	<u>U.S. Department of Labor</u>	<u>Assistant Secretary for Administration &amp; Management</u>	<u>Washington, DC</u>	<u>May 9, 2001</u>	<u>Jan. 20, 2002</u>
<u>Federal Employment</u>	<u>U.S. Department of Labor</u>	<u>Senior Advisor to the Secretary</u>	<u>Washington, DC</u>	<u>March 26, 2001</u>	<u>May 8, 2001</u>
<u>Federal Employment</u>	<u>U.S. Office of Personnel Management</u>	<u>Chief of Staff</u>	<u>Washington, DC</u>	<u>Jan. 23, 2001</u>	<u>March 25, 2001</u>
<u>Volunteer</u>	<u>Bush-Cheney Presidential Transition</u>	<u>Policy Coordinator, GSA Team</u>	<u>Washington, DC</u>	<u>Dec. 2000</u>	<u>Jan. 2001</u>
<u>Non-Government Employment</u>	<u>Preston Gates Ellis &amp; Rouvelas Meeds</u>	<u>Government Affairs Counselor</u>	<u>Washington, DC</u>	<u>Jan. 1998</u>	<u>Jan. 2001</u>
<u>Non-Government Employment</u>	<u>Preston Gates Ellis &amp; Rouvelas Meeds</u>	<u>Director of Coalitions</u>	<u>Washington, DC</u>	<u>March 1996</u>	<u>Dec. 1997</u>
<u>Unemployment</u>				<u>July 1995</u>	<u>Feb. 1996</u>
<u>Federal Employment</u>	<u>Federal Housing Finance Board</u>	<u>Director, Office of Administration</u>	<u>Washington, DC</u>	<u>May 1990</u>	<u>June 1995</u>
<u>Unemployment</u>				<u>Oct. 1969</u>	<u>April 1990</u>

<u>Federal Employment</u>	<u>U.S. Environmental Protection Agency</u>	<u>Full-time expert/consultant</u>	<u>Washington, DC</u>	<u>March 24, 1982</u>	<u>Sept. 23, 1982</u>
<u>Federal Employment</u>	<u>U.S. Department of Education</u>	<u>Deputy Under Secretary for Management</u>	<u>Washington, DC</u>	<u>Sept. 1988</u>	<u>March 23, 1989</u>
<u>Federal Employment</u>	<u>U.S. Department of Education</u>	<u>Administrator for Management Services</u>	<u>Washington, DC</u>	<u>Sept. 1986</u>	<u>August 1988</u>
<u>Federal Employment</u>	<u>U.S. Small Business Administration</u>	<u>Director of Intergovernmental &amp; Regional Affairs</u>	<u>Washington, DC</u>	<u>May 1986</u>	<u>Sept. 1986</u>
<u>Federal Employment</u>	<u>U.S. Small Business Administration</u>	<u>Special Assistant to the Associate Deputy Administrator</u>	<u>Washington, DC</u>	<u>July 1988</u>	<u>May 1986</u>
<u>Federal Employment</u>	<u>U.S. General Services Administration</u>	<u>Special Assistant to the Administrator</u>	<u>Washington, DC</u>	<u>Nov. 1982</u>	<u>July 1985</u>
<u>Non-Government Employment</u>	<u>Trick for Governor</u>	<u>Campaign Director</u>	<u>Albuquerque, NM</u>	<u>July 1982</u>	<u>Nov. 1982</u>
<u>Federal Employment</u>	<u>U.S. General Services Administration</u>	<u>Special Assistant to the Administrator</u>	<u>Washington, DC</u>	<u>Nov. 1981</u>	<u>June 1982</u>
<u>Federal Employment</u>	<u>U.S. General Services Administration</u>	<u>Confidential Assistant to the Administrator</u>	<u>Washington, DC</u>	<u>April 1981</u>	<u>Nov. 1981</u>
<u>Volunteer</u>	<u>Reagan Transition</u>	<u>GSA Team</u>	<u>Washington, DC</u>	<u>Jan. 1981</u>	<u>March 1981</u>
<u>Non-Government Employment</u>	<u>Delaware Citizens for Right to Work</u>	<u>Executive Director</u>	<u>Dover, DE</u>	<u>April 1979</u>	<u>Sept. 1980</u>
<u>Non-Government Employment</u>	<u>New Mexico Citizens for Right to Work</u>	<u>Executive Director</u>	<u>Santa Fe, NM</u>	<u>Dec. 1976</u>	<u>Dec. 1980</u>
<u>Non-Government Employment</u>	<u>Burger for U.S. Senate Committee</u>	<u>Youth Coordinator/Special Groups Coordinator</u>	<u>Billings, MT</u>	<u>May 1976</u>	<u>Nov. 1976</u>



<u>Non-Government Employment</u>	<u>Citizens for Reagan</u>	<u>Youth Fieldman</u>	<u>Washing ton, DC</u>	<u>Jan. 1976</u>	<u>May 1976</u>
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(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
<u>U.S. Overseas Private Investment Corporation</u>	<u>Board Director (appointed by President George W. Bush)</u>	<u>Jan. 2004</u>	<u>April 2005</u>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>
		Est <input type="checkbox"/>	Est Present <input type="checkbox"/> <input type="checkbox"/>

#### 4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I consulted with the Office of Government Ethics and the Federal Labor Relations Authority's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I entered into with FLRA's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

Over the years, I have attended a variety of seminars and meetings hosted by public policy and educational organizations on issues such as healthcare reform, employee free-choice act, financial regulatory reform, and religious liberty where the possible impact of pending legislation or enacted law was debated and/or analyzed and information by subject matter experts

was shared. My purpose was to provide my clients with timely and authoritative information and to be able to discuss current issues with potential clients.

### **5. Honors and Awards**

**List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.**

Top Doers, Dreamers and Drivers award by *Government Technology* (GT) magazine and Center for Digital Government (March 2005)

Outstanding Leadership Award in Support of Federal Government Management Excellence from President's Council on Management Improvement (September 1988)

OPM Director Constance Horner appointed to OPM Senior Executive Service Advisory Board (March 1987)

America's Top Forty Performers in Public Service -- 40 years of age and younger—by Management Magazine a publication of the U.S. Office of Personnel Management (March 1987)

GSA Administrator's Public Service Award (February 1984)

### **6. Memberships**

**List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.**

**Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).**

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
President's Council on Management Improvement (PCMI) (former)	1987-1989	Member

Federal Administrative Managers Association (former)	1986-1988	Member
Reagan Deputy Assistant Secretaries organization (former)	1987-1989	President
Reagan Alumni Association Board of Directors	1990--present	Executive Committee Member
Army-Navy Country Club. Arlington, VA	2005-2007	Member
Pinehurst Country Club, Pinehurst, NC	2012--present	Member

### 7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

No.

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>


(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

None.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Americans for Murray	\$250	2012
George Allen for U.S. Senate	\$500	2012

Romney for President	\$2500	2012
Tim Scott for Congress	\$250	2012
Romney for President	\$2500	2012
Wilson for Senate	\$1000	2012
Club for Growth Action	\$250	2012
The Freedom Project	\$1000	2012
Friends of Scott Walker	\$250	2012
Madison PAC for Constitutional Limited Government	\$1000	2012
Gary Glenn for U.S. Senate	\$500	2011
Republican National Committee	\$250	2011
The President's Club (RNC)	\$250	2011
Madison PAC for Constitutional Limited Government	\$1000	2011
Friends of John Boehner	\$250	2011
Ted Cruz for Senate	\$500	2011
Friends of Scott Walker	\$250	2011
Republican National Committee	\$250	2011
The President's Club (RNC)	\$250	2011

Republican National Committee	\$250	2011
Club for Growth	\$250	2011
The President's Club (RNC)	\$250	2011
Senate Conservatives Fund	\$250	2011
Marco Rubio for Senate	\$200	2010
Americans for Murray	\$250	2010
Republican Party of Virginia	\$250	2010
Club for Growth Action	\$250	2010
Lollar for Congress	\$250	2010
Findley for Iowa (AG)	\$250	2010
Senate Conservatives Fund	\$250	2010
Findley for Iowa (AG)	\$250	2010
Republican National Committee	\$250	2008
John McCain 2008	\$500	2008
John McCain 2008	\$500	2008
John McCain 2008	\$500	2008
John McCain 2008	\$1000	2008

McCain Victory 2008	\$1000	2008
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### 8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

I have done my best to identify titles, publishers and dates of books, articles, reports or other published materials, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
How To Cut The Budget, For Real	Washington Examiner.com	September 1, 2011
'Card Check'--A Time to Reflect, But Not Rest	The American Spectator	April 7, 2011
It's Still Ronald Reagan's World	WashingtonExaminer.com	February 5, 2011
GovBenefits.gov: E-government vision realized	GCN.com	February 11, 2009
Commentary: Staying Power: Continuity led to successes at Labor	Federal Times	February 1, 2009
Good Management, Good Policy	American Society for Public Administration, PA Times	December 2008

DOL CIO Talks Federal E-Government	www.Govtech.com	December 29, 2008
ADVICE & DISSENT: A Beneficial Union – Better Technology Combined with Open Labor Relations Can Cut the Cost of Official Time	Government Executive Magazine	October 2008
THE HR EXECUTIVE'S VIEWPOINT: Employees Aid One Another – Leave Bank Programs Benefit Labor Employees in Need	Federal Times	August 18, 2008
PROVIDING THE LATEST WORKERS' COMPENSATION NEWS AND TRENDS MONTHLY: Controlling Federal Workers' Comp Costs: A Case Study	Workers' Compensation Educational Conference eNewsletter	May 5, 2008
THE HR EXECUTIVE'S VIEWPOINT: Bringing New Skills to Labor – MBA Fellows Program Bolsters Work Force	Federal Times	July 30, 2007
THE HR EXECUTIVE'S VIEWPOINT: Managing Leave – Monitoring, Counseling Reduce AWOL at Labor	Federal Times	April 23, 2007



TENDING TO E-GOV: How Labor Got to Green on the PMA	FedTech magazine	November 2005, Vol. 2, Number 4
Labor's Successes Prove Value of Political Appointees	Federal Times	November 28, 2005
VIEWPOINT: Shedding Light – Annual Reports Must Include the Bad with the Good to be Effective	Government Executive Magazine	October 1, 2005
Pizzella: Labor Models Getting 'Green'	Federal Computer Week	December 13, 2004
THE HR EXECUTIVE'S VIEWPOINT: Cutting Costs on Workers' Comp – Labor Reduces Injuries, Illnesses, Returns Employees to Work	Federal Times	October 11, 2004
THE HR EXECUTIVE'S VIEWPOINT: Top Score for Human Capital – Planning, Coordination Brought Labor to Green	Federal Times	June 7, 2004
COMMENTARY: Senior Executive Pay: Raise, However Small, is Critical Now	Federal Times	January 19, 2004

SPOTLIGHT: Making the Best Use of Government's Best Resource	Federal Times	November 24, 2003
The CIO VIEWPOINT: The Digital Department: Labor Creates a Focused E-Government Plan	Federal Times	April 21, 2003

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
REDUCING THE PAPERWORK BURDEN ON THE PUBLIC: ARE AGENCIES DOING ALL THEY CAN?	HEARING before the SUBCOMMITTEE ON REGULATORY AFFAIRS of the COMMITTEE ON GOVERNMENT REFORM HOUSE OF REPRESENTATIVES	JUNE 14, 2005
	Serial No. 109-42  Available via the World Wide Web:	

	<a href="http://www.gpoaccess.gov/congress/index.html">http://www.gpoaccess.gov/congress/index.html</a>  <a href="http://www.house.gov/reform">http://www.house.gov/reform</a>	
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(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

None.

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

## 9. Criminal History

Since (and including) your 18<sup>th</sup> birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)  
No.
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?  
No.
- Have you been charged, convicted, or sentenced of a crime in any court?  
No.
- Have you been or are you currently on probation or parole?  
No.
- Are you currently on trial or awaiting a trial on criminal charges?  
No.
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?

No .

**If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).**

A) Date of offense:

a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?

- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: Yes / No
- 2) Firearms or explosives: Yes / No
- 3) Alcohol or drugs: Yes / No

D) Location where the offense occurred (city, county, state, zip code, country):

E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: Yes / No

1) Name of the law enforcement agency that arrested/cited/summoned you:

2) Location of the law enforcement agency (city, county, state, zip code, country):

F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: Yes / No

1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):

2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:

3) If no, provide explanation:

G) Were you sentenced as a result of this offense: Yes / No

H) Provide a description of the sentence:

I) Were you sentenced to imprisonment for a term exceeding one year: Yes / No

J) Were you incarcerated as a result of that sentence for not less than one year: Yes / No

K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:

L) If conviction resulted in probation or parole, provide the dates of probation or parole:

M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes /**  
**No**

N) Provide explanation:

### 10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

Yes.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
August 1998	Fairfax County General District Court	Patrick Pizzella & Fox Seko Construction	Payment/billing dispute	Judgement for Fox-Seko on Feb. 5, 1999 for \$1,762.93

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

None.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

### 11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

<u>Name of Agency/Association/Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>
Office of Special Counsel (OSC)	1993 OSC file No. MA-92-1647	Allegation of a prohibited personnel practice brought by an employee of the Federal Housing Finance Board (FHFB) who worked for me	OSC Associate Special Counsel for Prosecution stated in July 8, 1993 letter to FHFB Chairman that file was closed due to insufficient evidence
FHFB Inspector General	April, 1992 Grievance Procedures/Reprisal allegation	Allegation that a performance rating review lacked impartiality	IG advised compliant to avail himself of administrative remedies

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

### 12. Tax Compliance

**REDACTED**

**REDACTED**

**13. Lobbying**

**In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).**

No.

**14. Outside Positions**



☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

#### 15. Agreements or Arrangements

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

**16. Additional Financial Data****REDACTED**

DEPT. OF AGRIC.

**SIGNATURE AND DATE**

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

*Robert F. Kennedy*

This 22 day of Aug, 2013



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW, Suite 500  
Washington, DC 20005-3917

**AUG 09 2013**

The Honorable Thomas R. Carper  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Patrick Pizzella, who has been nominated by President Obama for the position of Member, Federal Labor Relations Authority.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don W. Fox".

Don W. Fox,  
Principal Deputy Director

Enclosures **REDACTED**

June 25, 2013

Rosa M. Koppel  
Designated Agency Ethics Official  
Federal Labor Relations Authority  
1400 K Street, NW.  
Suite 300  
Washington, DC 20424

Dear Ms. Koppel:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Member of the Federal Labor Relations Authority.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interests or those of any person whose interests are imputed to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor children of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

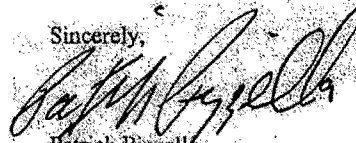
I am the sole proprietor of my management consulting firm, which does business as Patrick Pizzella, LLC. Upon confirmation, my consulting firm will cease engaging in any business. During my appointment to the position of Member of the Federal Labor Relations Authority, the management consulting firm will remain dormant and will not advertise. I will not perform any services for the firm, except that I will comply with any requirements involving legal filings, taxes and fees that are necessary to maintain the firm while it is in an inactive status. As Member, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of Patrick Pizzella, LLC. All amounts owed to me by any of my clients will be fixed before I assume the duties of the position of Member, and I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the ability or willingness of any of these clients to pay these amounts. In addition, I will not participate personally and substantially in any particular matter involving specific parties in which a former client of mine is a party or represents a party, for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

- 2 -

I understand that as an appointee I am required to sign the Ethics Pledge (Exec. Order No. 13490) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this and any other ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with other ethics agreements of Presidential nominees who file public financial disclosure reports.

Sincerely,



Patrick Pizzella

## ESTABLISHED 1971

The Honorable Tom Carper, Chairman  
U.S. Senate Committee on Homeland Security and Government Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Tom Coburn, Ranking Member  
U.S. Senate Committee on Homeland Security and Government Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators Carper and Coburn:

On behalf of the Congressional Black Caucus (CBC), I am writing in support of the nomination of the Honorable Carol Waller Pope, to be a Member of the Federal Labor Relations Authority.

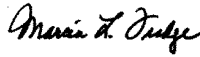
Ms. Pope is uniquely qualified to serve as a Member. She successfully held this position from 2000 - 2013, as a nominee of both Presidents William J. Clinton and George W. Bush. In 2009, upon designation by President Barack Obama, Ms. Pope became Chairman of the Federal Labor Relations Authority (FLRA). She is the first and only FLRA career employee to serve as a Member and the first and only FLRA career employee to serve as Chairman. In addition to her public service as a Presidential appointee, Ms. Pope worked in positions of increasing responsibility at the FLRA, beginning as a staff attorney in the Boston Regional Office in 1980 and ending as an Assistant General Counsel at FLRA headquarters in Washington, DC in 2000, upon her confirmation as a Member. She has a keen knowledge of the Federal Service Labor-Management Relations Statute that is administered by the FLRA.

Ms. Pope is a proven leader. In 2009, when she became Chairman, the agency suffered with a backlog of hundreds of unresolved disputes and the lowest employee satisfaction and morale of all small agencies in the Federal Government. During her nearly four year tenure as Chairman, Ms. Pope, worked with political and career leadership and employees, to turn the agency around. Mission performance and employee morale have dramatically and historically improved. Implementing a multi-year, multi-pronged plan of “*Revitalization, Reinvention and Re-engagement*,” the FLRA revised agency regulations, focused on employee training and development and timely and quality decision-making, and re-engaged its customers with increased alternative dispute resolution services, electronic training manuals, and web-based training modules. Gaining recognition as the “*Most Improved Small Agency*” in the 2010 Best Places to Work in the Federal Government rankings and the “*Most Innovative Small Agency*” in 2011. The FLRA now ranks 8th among small agencies in the 2012 rankings, from a low of last place, 34th in 2010.



As a highly-qualified and well-respected long-term official at the FLRA, Ms. Pope's confirmation is extremely important to the agency's continued success. Currently the Members of the FLRA are unable to issue decisions due to the lack of a quorum that will be resolved upon Ms. Pope's confirmation. The CBC greatly appreciates your thoughtful consideration of her nomination.

Sincerely,



Marcia L. Fudge  
Chair, Congressional Black Caucus  
Member of Congress

cc: The Honorable Jon Testor  
The Honorable Rob Portman  
Congresswoman Eleanor Holmes Norton



1433 Longworth House Office Building - Washington, DC 20516  
[WWW.THECONGRESSIONALBLACKCAUCUS.COM](http://WWW.THECONGRESSIONALBLACKCAUCUS.COM)

